

Robert Mills

May 3, 2007

Page 1

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Case No. C-1-02-479

JUDGE BARRETT
Magistrate Judge Hogan

JEFFERSON-PILOT LIFE INS. CO.,)
)
Plaintiff)
)
v.)
)
CHRISTOPHER L. KEARNEY,)
)
Defendant)
)
v.)
)
DISABILITY MANAGEMENT)
SERVICES, INC.,)
)
Third-Party Defendant)

CONTINUED DEPOSITION OF: ROBERT MILLS, taken
before Sharon R. Roy, Notary Public, Registered
Professional Reporter, pursuant to Rule 30 of the
Federal Rules of Civil Procedure, at the offices of
ACCURATE COURT REPORTING, 1500 Main Street,
Springfield, Massachusetts on May 3, 2007, commencing
at 1:10 p.m.

Sharon R. Roy

Robert Mills
May 3, 2007

Page 2

Page 4

1 APPEARANCES:
 2
 3 FOR CHRISTOPHER KEARNEY:
 4
 5 GRAYDON, HEAD & RITCHEY LLP
 6 1900 Fifth Third Center
 7 511 Walnut Street
 8 Cincinnati, OH 45202-3157
 9 513-621-6464
 10 BY: MICHAEL A. ROBERTS, ESQ.
 11 mroberts@graydon.com
 12
 13 FOR DISABILITY MANAGEMENT SERVICES, INC.
 14 SHUTTS & BOWEN LLP
 15 1500 Miami Center
 16 201 South Biscayne Boulevard
 17 Miami, FL 33131
 18 305-358-6300
 19 BY: JOHN E. MEAGHER, ESQ.
 20
 21 In Attendance:
 22 Christopher Kearney
 23 Adam Formus
 24

1 -----
 2 PROCEEDINGS
 3 1:10 p.m.
 4 -----

5 ROBERT MILLS, Deponent, having
 6 first been duly sworn by the Notary Public,
 7 deposes and states as follows:

8 MR. MEAGHER: Counsel, before you
 9 begin, and for the record, the Court has
 10 directed us to submit a confidentiality order,
 11 and we sent you a draft, I don't know, ten
 12 days ago, two weeks ago, whatever. We haven't
 13 heard any response from you but we're going
 14 ahead and filing a proposed confidentiality
 15 order and we are going to conduct ourselves as
 16 if that order has been entered by the judge,
 17 so we are designating this deposition
 18 confidential, it certainly concerns
 19 Mr. Kearney's claim, and following the
 20 procedures in the proposed order.

21 MR. ROBERTS: You're designating
 22 this deposition confidential before the
 23 witness has spoken a single word?

24 MR. MEAGHER: Yes.

Page 3

Page 5

1 INDEX
 2 -----
 3 EXAMINATION PAGE
 4 -----
 5 By Mr. Roberts 5
 6 By Mr. Meagher 77
 7
 8
 9 EXHIBITS: PAGE:
 10 1: E-mail dated 9/19/00 to William Hughes
 11 from Robert Mills with attached letter
 12 dated 1/18/07 to Christopher Kearney from
 13 William Hughes 44
 14 2: E-mail dated 11/1/00 to William Hughes from
 15 Robert Mills with attached letter dated
 16 1/18/07 to Christopher Kearney from
 17 Robert F. Mills 55
 18
 19
 20
 21
 22
 23
 24

1 MR. ROBERTS: Say whatever you want
 2 on the record.
 3 Are you ready, sir?
 4 THE WITNESS: Yes.
 5

6 EXAMINATION BY MR. ROBERTS:

7 Q. What is your name, please, sir?

8 A. Robert Mills.

9 Q. What is your residence address?

10 A. I'm not comfortable providing that
 11 information.

12 Q. You don't like your private information
 13 being shared with other people?

14 A. I don't like to give my residence address.

15 Q. Well, your counsel just said that he's
 16 going to treat this as confidential pursuant to some
 17 purported order that may or may not ever be entered.
 18 Why do you have discomfort with even giving out
 19 private information subject to a confidentiality
 20 order?

21 MR. MEAGHER: Well, you know, I'm
 22 going to object and --

23 MR. ROBERTS: Counsel, you object
 24 for the record. Anything you say beyond that

2 (Pages 2 to 5)

Accurate Court Reporting
(413) 747-1806 (413) 747-1818

Robert Mills**May 3, 2007**

Page 6	Page 8
<p>1 is coaching the witness.</p> <p>2 MR. MEAGHER: That's not true,</p> <p>3 because I am instructing him not to give his</p> <p>4 residence address due to the nature of the</p> <p>5 litigation. We will stipulate, if you wish,</p> <p>6 that we'll accept service of subpoenas, where</p> <p>7 appropriate, and we'll accept service for it.</p> <p>8 Q. (By Mr. Roberts) Can you explain for me why</p> <p>9 it is you would have discomfort sharing with me or</p> <p>10 anybody private information?</p> <p>11 A. I just don't like to give my residence</p> <p>12 address.</p> <p>13 Q. Why do you have discomfort with that?</p> <p>14 A. I just don't make it a practice to give my</p> <p>15 residence address in a case like this.</p> <p>16 Q. You consider private information you want</p> <p>17 to keep private?</p> <p>18 A. I would like to keep my residence address</p> <p>19 private.</p> <p>20 Q. Where did you go to college, sir?</p> <p>21 A. I went to the University of New Haven.</p> <p>22 Q. When did you graduate?</p> <p>23 A. In 1991.</p> <p>24 Q. What's your Social Security number?</p>	<p>1 A. Two.</p> <p>2 Q. What's your wife's name?</p> <p>3 A. Laura.</p> <p>4 Q. Does she work?</p> <p>5 A. Yes, she does.</p> <p>6 Q. Where does she work?</p> <p>7 A. MassMutual.</p> <p>8 Q. How did the two of you meet?</p> <p>9 A. We met working together.</p> <p>10 Q. At MassMutual?</p> <p>11 A. No.</p> <p>12 Q. Where were you working?</p> <p>13 A. Connecticut Mutual.</p> <p>14 Q. Sir, have you done anything to prepare for</p> <p>15 today's deposition?</p> <p>16 A. Yes.</p> <p>17 Q. Can you describe for me what you've done in</p> <p>18 preparation for today's deposition?</p> <p>19 A. I've reviewed documents and met with my</p> <p>20 attorneys.</p> <p>21 Q. When did you meet with your attorneys?</p> <p>22 A. I met with my attorneys yesterday and</p> <p>23 today.</p> <p>24 Q. Who are your attorneys?</p>
Page 7	Page 9
<p>1 MR. MEAGHER: I instruct him not to</p> <p>2 give his Social Security number.</p> <p>3 Q. (By Mr. Roberts) Again, you don't want</p> <p>4 your private information shared with third parties?</p> <p>5 A. I do not want to give my Social Security</p> <p>6 number.</p> <p>7 Q. Is there a reason why you're not answering</p> <p>8 my question?</p> <p>9 MR. MEAGHER: I'm going to object.</p> <p>10 He did answer your question.</p> <p>11 Q. (By Mr. Roberts) Sir, do you mind sharing</p> <p>12 your private information with me?</p> <p>13 A. I do not feel comfortable giving my</p> <p>14 residence address and my Social Security number.</p> <p>15 Q. Is that it? Is that the extent of it?</p> <p>16 A. That's my answer to those questions thus</p> <p>17 far.</p> <p>18 Q. Sir, do you suffer any medical conditions?</p> <p>19 A. Not to my knowledge.</p> <p>20 Q. Do you have any children?</p> <p>21 A. Yes.</p> <p>22 Q. Are you married?</p> <p>23 A. Yes.</p> <p>24 Q. How many children do you have?</p>	<p>1 A. That would be John Meagher and Adam Formus.</p> <p>2 Q. Did anybody participate telephonically in</p> <p>3 these meetings?</p> <p>4 A. Yes.</p> <p>5 Q. Who participated telephonically?</p> <p>6 A. Bill Ellis and Bill Dempsey.</p> <p>7 Q. Anyone else participate in your preparation</p> <p>8 yesterday or today?</p> <p>9 A. Yes.</p> <p>10 Q. Who else?</p> <p>11 A. Andy Cohen.</p> <p>12 Q. Anyone else?</p> <p>13 A. Not that I recall.</p> <p>14 Q. So you had five lawyers assist you in</p> <p>15 preparing for today's deposition?</p> <p>16 A. There were five lawyers that were involved.</p> <p>17 Q. Did you review your deposition from May of</p> <p>18 2004 in preparation for today?</p> <p>19 A. Yes.</p> <p>20 Q. Did you read it cover to cover?</p> <p>21 A. Yes.</p> <p>22 Q. Is there anything that you can recall</p> <p>23 sitting here today that was not truthful that you</p> <p>24 testified to back then?</p>

3 (Pages 6 to 9)

Robert Mills

May 3, 2007

Page 10	Page 12
<p>1 A. No.</p> <p>2 Q. In preparation for today's deposition have</p> <p>3 you reviewed the claims file cover to cover?</p> <p>4 A. I've perused through the file.</p> <p>5 Q. Have you spent any time reading the</p> <p>6 entirety of any specific documents?</p> <p>7 A. I've read various documents throughout the</p> <p>8 file.</p> <p>9 Q. What documents did you focus on?</p> <p>10 A. I don't recall focusing on anything, I just</p> <p>11 went through the file.</p> <p>12 Q. Did you stop and spend time reading a</p> <p>13 document if it was of interest?</p> <p>14 A. Yes.</p> <p>15 Q. What documents did you stop and read that</p> <p>16 you believed were of interest?</p> <p>17 A. I recall looking at letters throughout the</p> <p>18 file.</p> <p>19 Q. Okay. Besides correspondence, anything</p> <p>20 else?</p> <p>21 A. I just recall looking at various parts of</p> <p>22 the files and going through it.</p> <p>23 Q. What besides correspondence?</p> <p>24 A. I don't recall.</p>	<p>1 attention?</p> <p>2 A. Yes.</p> <p>3 Q. Were those documents correspondence?</p> <p>4 MR. MEAGHER: Well, I'm going to</p> <p>5 instruct him not to answer any question</p> <p>6 pertaining to any documents shown to him by</p> <p>7 counsel. That's work product.</p> <p>8 MR. ROBERTS: You're not going to</p> <p>9 allow him to answer whether the documents he</p> <p>10 reviewed were in the category of</p> <p>11 correspondence?</p> <p>12 MR. MEAGHER: I'll let him answer</p> <p>13 that.</p> <p>14 MR. ROBERTS: Thank you, Counsel.</p> <p>15 MR. MEAGHER: You're welcome.</p> <p>16 A. Can you repeat the question, please?</p> <p>17 Q. Did you review correspondence in this</p> <p>18 meeting with your team of five lawyers?</p> <p>19 A. Yes.</p> <p>20 Q. Did you review any documents that were</p> <p>21 filed in the lawsuit with your team of five lawyers?</p> <p>22 A. Can you repeat the question, please?</p> <p>23 Q. Did you review any documents filed in the</p> <p>24 lawsuit, as far as you know, with your team of five</p>
Page 11	Page 13
<p>1 Q. When did you do this?</p> <p>2 A. A couple days ago.</p> <p>3 Q. And you don't recall today?</p> <p>4 A. I just don't have, you know, a recollection</p> <p>5 of spending a significant amount of time on something</p> <p>6 else.</p> <p>7 Q. How about medical records; did you review</p> <p>8 medical records in detail?</p> <p>9 A. I thumbed through various medical</p> <p>10 information.</p> <p>11 Q. Anything grab your interest that you spent</p> <p>12 significant time on?</p> <p>13 A. No.</p> <p>14 Q. How about surveillance, did you spend any</p> <p>15 time reviewing surveillance in the investigations</p> <p>16 that were performed on Mr. Kearney?</p> <p>17 A. No.</p> <p>18 Q. Did you review any of the pleadings in the</p> <p>19 lawsuit?</p> <p>20 A. I don't believe so.</p> <p>21 Q. Did you review documents in your meetings</p> <p>22 with your team of five lawyers?</p> <p>23 A. Yes.</p> <p>24 Q. Documents that they brought to your</p>	<p>1 lawyers?</p> <p>2 A. As far as I know, I don't think so.</p> <p>3 Q. Anything other than correspondence?</p> <p>4 A. Not that I recall.</p> <p>5 Q. So any documents you reviewed with your</p> <p>6 five-lawyer team in preparation for the deposition</p> <p>7 were correspondence documents, right?</p> <p>8 A. Correct.</p> <p>9 Q. Correspondence you had with Mr. Kearney and</p> <p>10 he had with you?</p> <p>11 A. No. Excuse me, part of it was, yes.</p> <p>12 Q. What else was in the correspondence besides</p> <p>13 documents exchanged between you and Mr. Kearney?</p> <p>14 MR. MEAGHER: Well, I'm going to</p> <p>15 object and instruct you not to answer if by</p> <p>16 answering you identify what documents you</p> <p>17 reviewed that were discussed with counsel.</p> <p>18 Q. (By Mr. Roberts) Who else did you correspond</p> <p>19 with that was reviewed between you and counsel?</p> <p>20 A. On the advice of my counsel I'm not going</p> <p>21 to answer that question.</p> <p>22 MR. ROBERTS: You're instructing him</p> <p>23 not to tell me with whom he had correspondence</p> <p>24 that was reviewed --</p>

4 (Pages 10 to 13)

Robert Mills**May 3, 2007**

Page 14	Page 16
<p>1 MR. MEAGHER: Well, I'm saying</p> <p>2 that --</p> <p>3 MR. ROBERTS: That would be</p> <p>4 revealing an attorney-client communication of</p> <p>5 your definition of attorney-client</p> <p>6 communication?</p> <p>7 MR. MEAGHER: No, it's a definition</p> <p>8 of work product, which, if he identifies the</p> <p>9 specific documents that we may have --</p> <p>10 MR. ROBERTS: I'm not --</p> <p>11 MR. MEAGHER: Excuse me, let me</p> <p>12 finish --</p> <p>13 MR. ROBERTS: I'm simply asking him</p> <p>14 to identify with whom he had correspondence.</p> <p>15 MR. MEAGHER: Mr. Roberts, please.</p> <p>16 MR. ROBERTS: Mr. Meagher, please.</p> <p>17 MR. MEAGHER: I'm answering your</p> <p>18 question. If he is identifying specific</p> <p>19 documents, that's a work product objection.</p> <p>20 MR. ROBERTS: I haven't asked him to</p> <p>21 identify a specific document.</p> <p>22 MR. MEAGHER: But if he identifies</p> <p>23 the nature of the document --</p> <p>24 MR. ROBERTS: I'm not asking him to</p>	<p>1 A. Yes.</p> <p>2 Q. Is that correspondence in the claim file?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Who was the correspondence with?</p> <p>5 A. It was with our outside counselor, Geri</p> <p>6 Johnson, and Bill Dempsey.</p> <p>7 Q. You had exchanged letters with Ms. Johnson</p> <p>8 and Mr. Dempsey?</p> <p>9 A. Yes.</p> <p>10 Q. And you exchanged e-mails with them?</p> <p>11 A. Yes.</p> <p>12 Q. What period of time was covered by this</p> <p>13 correspondence and e-mail?</p> <p>14 A. I don't recall the specific time, you know,</p> <p>15 when that occurred.</p> <p>16 Q. Do you recall the beginning date?</p> <p>17 A. No, I do not.</p> <p>18 Q. Do you recall the beginning year?</p> <p>19 A. No.</p> <p>20 Q. It was yesterday, sir. You don't recall</p> <p>21 what you reviewed yesterday?</p> <p>22 MR. MEAGHER: Objection; asked and</p> <p>23 answered.</p> <p>24 MR. ROBERTS: No, it was asked; he</p>
Page 15	Page 17
<p>1 identify the nature of the document.</p> <p>2 MR. MEAGHER: You're interrupting me</p> <p>3 again. And that somehow shows the identity of</p> <p>4 the document, then that is work product.</p> <p>5 Q. (By Mr. Roberts) What other correspondence</p> <p>6 did you review with your team of five lawyers; with</p> <p>7 whom did that correspondence relate other than</p> <p>8 Mr. Kearney?</p> <p>9 A. Can you repeat the question, please?</p> <p>10 Q. You reviewed correspondence you had with</p> <p>11 Mr. Kearney and you during your two-day meeting with</p> <p>12 your five-lawyer team?</p> <p>13 MR. MEAGHER: Objection. Assumes</p> <p>14 facts not in evidence.</p> <p>15 MR. ROBERTS: All these facts are in</p> <p>16 evidence.</p> <p>17 Q. (By Mr. Roberts) Go ahead.</p> <p>18 A. Yes.</p> <p>19 Q. Did you review correspondence between you</p> <p>20 and anybody else other than Mr. Kearney during these</p> <p>21 meetings?</p> <p>22 A. Yes, I did.</p> <p>23 Q. It was correspondence you had with somebody</p> <p>24 other than Mr. Kearney?</p>	<p>1 didn't answer.</p> <p>2 MR. MEAGHER: He said he didn't</p> <p>3 recall; that's an answer.</p> <p>4 A. Can you repeat your question, please?</p> <p>5 Q. You don't recall from your two-day review</p> <p>6 with your five-lawyer team what year it was that you</p> <p>7 had this correspondence with Dempsey and Johnson?</p> <p>8 A. I had a correspondence or communication</p> <p>9 with -- what's your definition of correspondence, I</p> <p>10 guess I'd need to ...</p> <p>11 Q. You've been answering questions now for 14</p> <p>12 minutes about correspondence and now you're asking me</p> <p>13 to define the word correspondence?</p> <p>14 A. So I can understand your question.</p> <p>15 Q. Did you not understand my other question?</p> <p>16 A. I understood it.</p> <p>17 Q. Okay. Correspondence is written letters</p> <p>18 and/or e-mails. Can we go with that as a definition?</p> <p>19 Let's include faxes, too, okay. Are you with me?</p> <p>20 A. Yes.</p> <p>21 Q. Yesterday and the day before you had a</p> <p>22 two-day meeting with a five-lawyer team where you</p> <p>23 reviewed correspondence you had with Ms. Johnson and</p> <p>24 Mr. Dempsey. My question is do you recall,</p>

5 (Pages 14 to 17)

Robert Mills
May 3, 2007

Page 18

1 Mr. Mills, based on your review yesterday and the day
 2 before of this correspondence that isn't in the claim
 3 file what year that correspondence took place?

4 MR. MEAGHER: Objection; asked and
 5 answered. Also assumes facts not in evidence
 6 you can answer.

7 **A. Can you repeat that question?**

8 MR. ROBERTS: Can you kindly for me,
 9 Sharon?

10 THE COURT REPORTER: "Question:
 11 Yesterday and the day before you had a two-day
 12 meeting with a five-lawyer team where you
 13 reviewed correspondence you had with Ms.
 14 Johnson and Mr. Dempsey. My question is do
 15 you recall, Mr. Mills, based on your review
 16 yesterday and the day before of this
 17 correspondence that isn't in the claim file
 18 what year that correspondence took place?"

19 **A. I don't recall, you know, when that**
 20 **correspondence -- what the year was, when it took**
 21 **place.**

22 Q. Did you see these documents yesterday and
 23 the day before when you were meeting with your five
 24 lawyers?

Page 19

1 **A. I looked over them, glanced at them**
 2 **briefly.**

3 Q. So you saw the paper, but your testimony
 4 under oath -- I saw you raise your hand earlier -- is
 5 that you can't recall under oath what year that
 6 correspondence took place?

7 MR. MEAGHER: Objection to form.
 8 Move to strike.

9 **A. Correct.**

10 Q. When did you read your deposition cover to
 11 cover most recently?

12 **A. I read that Monday.**

13 Q. Were you sent a package of documents to
 14 review by counsel?

15 **A. No.**

16 Q. Were you instructed to review anything
 17 specifically by counsel?

18 MR. MEAGHER: I'm going to direct
 19 you not to answer any questions about any
 20 instructions from counsel.

21 MR. ROBERTS: Once again, I'm not
 22 asking him what documents you asked him to
 23 review. I'm asking him was he instructed to
 24 review correspondence, and you believe -- or

Page 20

1 documents, and you believe that to be an
 2 invasion of the attorney-client privilege?

3 MR. MEAGHER: Yes, I do.

4 MR. ROBERTS: Is there a different
 5 attorney-client privilege in the state of
 6 Florida than in Ohio, do you know?

7 MR. MEAGHER: I don't think Florida
 8 is relevant.

9 MR. ROBERTS: We agree.

10 MR. MEAGHER: So my instruction
 11 stands.

12 MR. ROBERTS: Thank you for the
 13 order.

14 Q. (By Mr. Roberts) Sir, have you given any
 15 depositions in the last three years since you and I
 16 last met?

17 **A. Yes.**

18 Q. In what cases?

19 **A. The last name was Dolinsky.**

20 Q. Can you spell that, please?

21 **A. D-O-L-I-N-S-K-Y.**

22 Q. Any other cases?

23 **A. No.**

24 Q. Were you deposed in Brillman?

Page 21

1 **A. No, I was not.**

2 Q. When was your Dolinsky deposition?

3 **A. I believe it was in the last year or so.**

4 Q. Where was that deposition taken?

5 **A. Here in Springfield, Massachusetts.**

6 Q. Is that lawsuit still pending?

7 **A. No.**

8 Q. It's resolved?

9 **A. Correct.**

10 Q. Do you know where it was pending?

11 **A. The state of Florida.**

12 Q. Was Mr. Meagher your counsel in that
 13 action?

14 **A. Yes.**

15 Q. Mr. Meagher served as your counsel in
 16 multiple cases, right?

17 **A. Yes.**

18 Q. As has Mr. Ellis?

19 **A. I've only dealt with him on this matter.**

20 Q. I've not had produced to me anything that
 21 is a claims file for the period 2002 through 2007.
 22 Does Mr. Kearney have some kind of claims file at DMS
 23 for that period?

24 **A. Can you repeat the question, please?**

6 (Pages 18 to 21)

Accurate Court Reporting
(413) 747-1806 (413) 747-1818

Robert Mills**May 3, 2007**

Page 22	Page 24
<p>1 Q. Is there a claims file on Mr. Kearney that</p> <p>2 covers the period 2002 through 2007?</p> <p>3 A. Yes.</p> <p>4 Q. Would it be troubling for me to get that in</p> <p>5 this lawsuit; do you think it could be produced?</p> <p>6 MR. MEAGHER: Well, I'm going to</p> <p>7 object and instruct you not to answer. If you</p> <p>8 have discovery requests, those go through</p> <p>9 discovery rules, not by asking a witness to</p> <p>10 produce them.</p> <p>11 MR. ROBERTS: Well, there are</p> <p>12 discovery requests for the claims file. I</p> <p>13 can't believe you would contend there are not.</p> <p>14 And at least by the rules I'm not familiar</p> <p>15 with, those requests require that they be</p> <p>16 supplemented by the responding party every 30</p> <p>17 days. As it is, I've requested the claim file</p> <p>18 and it's been produced. I suppose you don't</p> <p>19 object to it being produced even though you</p> <p>20 didn't get involved in the case when it was</p> <p>21 produced; you came in after the fact. But are</p> <p>22 you saying, Counsel, that if I requested the</p> <p>23 claims file and the rule is that document</p> <p>24 requests be supplemented every 30 days, that</p>	<p>1 MR. MEAGHER: I have. Because I</p> <p>2 control my witness.</p> <p>3 MR. ROBERTS: You control your</p> <p>4 witness. Do you control things other than</p> <p>5 your witness?</p> <p>6 MR. MEAGHER: That's a question I</p> <p>7 ask myself many times.</p> <p>8 Q. (By Mr. Roberts) Sir, is the claim file</p> <p>9 that exists for 2002 to 2007 that hasn't been</p> <p>10 produced, is it something that can be copied?</p> <p>11 MR. MEAGHER: Objection to form.</p> <p>12 A. Yes.</p> <p>13 MR. MEAGHER: Assumes facts not in</p> <p>14 evidence.</p> <p>15 Q. (By Mr. Roberts) How long do you think it</p> <p>16 would take to copy it?</p> <p>17 A. I don't know, I've never thought about</p> <p>18 that.</p> <p>19 Q. Would it be able to be copied before I</p> <p>20 leave Springfield tomorrow afternoon?</p> <p>21 MR. MEAGHER: Objection to form.</p> <p>22 A. I have no idea. I mean, I never get in the</p> <p>23 business of making photocopies.</p> <p>24 Q. Do you know of any reason why it hasn't</p>
Page 23	Page 25
<p>1 notwithstanding that, I'm not entitled to the</p> <p>2 claims file for the last five years?</p> <p>3 MR. MEAGHER: No, I'm not saying</p> <p>4 that. I'm not either agreeing or disagreeing</p> <p>5 with that. What I'm saying is you don't get</p> <p>6 documents by putting a witness at a deposition</p> <p>7 and asking him whether it would be a lot of</p> <p>8 trouble to produce them. There's no federal</p> <p>9 rule that provides that.</p> <p>10 MR. ROBERTS: I didn't do that. All</p> <p>11 I did was say, "Hey, Witness, am I able to get</p> <p>12 copies of those, are they copyable?"</p> <p>13 MR. MEAGHER: That's not what your</p> <p>14 question asked. But as many times, you change</p> <p>15 your question the second time you say it. If</p> <p>16 you want to ask him if there's hard copies,</p> <p>17 you can ask him that.</p> <p>18 MR. ROBERTS: As many times? What</p> <p>19 are you referring to?</p> <p>20 MR. MEAGHER: I'm done bantering</p> <p>21 with you. You're using your time. You have</p> <p>22 an hour left. I've decided to give you some</p> <p>23 more time because time has passed --</p> <p>24 MR. ROBERTS: You've decided?</p>	<p>1 been produced to me to date?</p> <p>2 MR. MEAGHER: I'm going to object;</p> <p>3 assumes facts not in evidence.</p> <p>4 A. Not to my knowledge.</p> <p>5 Q. Nobody's told you to not produce it,</p> <p>6 correct?</p> <p>7 A. No.</p> <p>8 Q. And you've not told anybody you refused to</p> <p>9 produce it, right?</p> <p>10 A. I've never been asked those questions.</p> <p>11 This is the first time I've heard of this.</p> <p>12 Q. Doesn't surprise me.</p> <p>13 MR. MEAGHER: Move to strike.</p> <p>14 Q. (By Mr. Roberts) Now you've been</p> <p>15 responsible for Mr. Kearney's claim for over seven</p> <p>16 years?</p> <p>17 A. I've been involved in the case for over</p> <p>18 seven years.</p> <p>19 Q. Were you ever responsible for it?</p> <p>20 A. What do you mean by responsible?</p> <p>21 Q. I think you earlier said that you read your</p> <p>22 deposition, you testified truthfully, and I think in</p> <p>23 your deposition three years ago you said you took</p> <p>24 over responsibility for the Kearney claim January 1</p>

7 (Pages 22 to 25)

Robert Mills
May 3, 2007

Page 26

1 of 2000, you maintained responsibility of it through
 2 the date the lawsuit was filed.
 3 **A. Okay. Well, if that's what I said in my**
 4 **deposition previous, that's correct, I just don't**
 5 **remember --**
 6 Q. Forget about your deposition. Is it true
 7 that you were responsible for the Kearney claim
 8 January 1, 2000 through at least 2002?
 9 **A. I was involved, responsible to some degree.**
 10 Q. Well, were you just involved or were you
 11 responsible?
 12 **A. Both. I don't know how to answer that**
 13 **question.**
 14 Q. You don't know what I mean by "Were you
 15 responsible for that claim file?"
 16 MR. MEAGHER: Objection; asked and
 17 answered. You can answer again.
 18 **A. Correct. I said I don't understand your**
 19 **question. I was involved in the case, responsible**
 20 **for the case.**
 21 Q. You told me in your deposition three years
 22 ago that you took over -- you and three other people
 23 took over the JP block of claims that came over in
 24 January 2000. Moreover, you told me that you were

Page 27

1 responsible for between 40 and 60 of those files. Do
 2 you not recall that?
 3 MR. MEAGHER: Objection to form.
 4 You can answer.
 5 **A. It's been a long enough time, I don't**
 6 **remember, you know, the year 2000 and what I was**
 7 **doing at that point in time.**
 8 Q. That's not my question. My question was
 9 you told me you were responsible. Do you not recall,
 10 sitting here today, that you were ever responsible
 11 for any claim file?
 12 MR. MEAGHER: Objection to form.
 13 **A. I've been responsible for claim files.**
 14 Q. Okay. Whatever measure you used to
 15 determine you've been responsible for any claim file,
 16 have you ever been responsible for Mr. Kearney's
 17 claim file?
 18 **A. I've been responsible for handling it for a**
 19 **period of time.**
 20 Q. Okay, for what period of time?
 21 **A. I've been involved now since the --**
 22 Q. No, don't change the verb to involved. For
 23 what period of time were you responsible as you
 24 measure responsibility?

Page 28

1 **A. I would say I was responsible from what**
 2 **we're talking about, from the time in 2000 probably**
 3 **up to the time of the lawsuit.**
 4 Q. Okay. Who's been responsible for the
 5 claim -- there's been a pending claim since the
 6 lawsuit was filed, hasn't there?
 7 **A. I don't know all the dynamics of how that**
 8 **works with this lawsuit.**
 9 Q. Well, hasn't Mr. Kearney been required by
 10 you to keep sending in Continuation of Disability
 11 forms and Attending Physician Statements since 2002?
 12 **A. The file does show that he's been sending**
 13 **in claim forms.**
 14 Q. You, Robert Mills, have been requiring
 15 Mr. Kearney to continue to send in those forms in
 16 2003, in 2004, in 2005, in 2006, and now in 2007,
 17 right?
 18 **A. I've been involved in the case; I haven't**
 19 **been the one that necessarily sent the checks with**
 20 **the claim forms.**
 21 Q. That wasn't my question. Mr. Mills, have
 22 you written my client in the last five years multiple
 23 times demanding that he provide Robert Mills with
 24 information regarding his continuance of disability?

Page 29

1 **A. I remember writing him letters requesting**
 2 **information, which claim forms could have been**
 3 **requested. I don't know specifically now as I'm**
 4 **talking about it what was requested in those letters.**
 5 Q. I didn't ask you what was requested in
 6 those letters. I said have you been writing him,
 7 asking him to give the company information on which
 8 the company used to continue the payment of benefits?
 9 MR. MEAGHER: Objection to the form.
 10 **A. I've sent letters asking for claim forms to**
 11 **be able to continue to evaluate the case.**
 12 Q. Okay. Why were you the person sending
 13 Mr. Kearney these letters?
 14 **A. I was asked to maintain the case to some**
 15 **degree because of my familiarity with the case from**
 16 **the legal department.**
 17 Q. Your legal department told you to do that?
 18 **A. Mm-hmm.**
 19 Q. And has Mr. Kearney provided you with
 20 information?
 21 **A. You know, I don't recall what information**
 22 **he's --**
 23 Q. I didn't ask you what information he gave
 24 you. Has he provided you information?

8 (Pages 26 to 29)

Accurate Court Reporting
(413) 747-1806 (413) 747-1818

Robert Mills
May 3, 2007

<p style="text-align: right;">Page 30</p> <p>1 A. I believe he has given us information. 2 Q. And when he provides you information, do 3 you review it or does somebody else review it? 4 A. I review it and I send it to someone else. 5 Q. And if it's deficient you send him a notice 6 saying, "Hey, you're missing something. Give me 7 this," right? 8 A. Not necessarily. 9 Q. If it's deficient you just let it go? 10 A. I may follow up with something or request 11 that we need to send something out. 12 Q. Anybody other than you been writing 13 Mr. Kearney since 2002 seeking information from him? 14 A. Yes. 15 Q. Who else? 16 A. Jackie Albazac (phonetic); I can't 17 pronounce it. 18 Q. And she started doing that maybe two, three 19 months ago? 20 A. I know she sent letters. I don't know when 21 that began. 22 Q. Does she report to you? 23 A. No, she doesn't. 24 Q. Did she send the letters at your</p>	<p style="text-align: right;">Page 32</p> <p>1 A. My understanding is that she processes the 2 payment and sends out the forms to Mr. Kearney. 3 Q. Under her signature? 4 A. I don't know how that works. 5 Q. Okay. Other than you and her, who's been 6 involved in Mr. Kearney's claim since 2002? 7 A. The lawyers. 8 Q. Who else? 9 A. I don't know. 10 Q. You've had lawyers involved in Mr. 11 Kearney's continuing claim for disability? 12 A. Yes. 13 Q. What lawyers have been involved in 14 Mr. Kearney's continuing claim for disability? 15 A. Adam Formus. Bill Ellis. John. 16 Q. Do you know why the lawyers have been 17 involved in Mr. Kearney's continuing claim for 18 disability? 19 A. I understand this is a case that continues 20 to be in litigation. 21 Q. It's your judgment that Mr. Kearney's 22 disability since 2002 has been subject to some claim 23 in a lawsuit? 24 A. I don't know all the meaning, what the</p>
<p style="text-align: right;">Page 31</p> <p>1 instruction? 2 A. Can you repeat -- 3 Q. Did she send letters to Mr. Kearney at your 4 instruction? 5 A. Not that I recall. 6 Q. Have you spoken to her about the Kearney 7 claim? 8 A. Yes, I have. 9 Q. What did you tell her? 10 A. I would talk to her to let her know when I 11 got a progress report or a Continuance of Disability 12 form and send that along to her. 13 Q. You don't know when her involvement in the 14 claim began? I'm not asking you for a specific day, 15 Mr. Mills. Give me a year. Let's start with a year. 16 Do you know what year her involvement began? 17 A. I believe it's been a couple years. 18 Q. She's been involved in sending letters to 19 Mr. Kearney for a couple years is your testimony 20 under oath? 21 A. My testimony is that she's been involved. 22 I don't know if it's necessarily sending letters. 23 Q. What has been her involvement for a couple 24 years?</p>	<p style="text-align: right;">Page 33</p> <p>1 lawsuit is about, because it's in litigation. You 2 know, the lawyers are involved in that. I seek 3 guidance from them. 4 Q. You don't know whether the company has ever 5 sued Mr. Kearney claiming that he's no longer 6 disabled according to the policy; you don't know that 7 one way or the other? 8 A. I don't know that specifically, no. 9 Q. Have you been getting information about Mr. 10 Kearney through the lawyers? 11 A. Yes. 12 Q. About his continuing disability information 13 they get in a lawsuit, they share with you for you to 14 evaluate for the claim? 15 A. I've gotten information from them. 16 Q. Right. But my question was, are they 17 sending you information that comes to them through 18 the lawsuit for purposes of you evaluating for the 19 claim? 20 A. I don't know if the information they 21 provide is necessarily information that would be used 22 for the evaluation of the case. 23 Q. Why would they give it to you, then? 24 A. I don't know.</p>

9 (Pages 30 to 33)

Robert Mills
May 3, 2007

Page 34

1 Q. I mean, if they're requesting information
 2 from Mr. Kearney for purposes of the lawsuit, why do
 3 they need your analysis and involvement?
 4 **A. I think maybe there's a difference in what**
 5 **information is; they're maybe giving me information,**
 6 **updates of what's going on in the lawsuit.**
 7 Q. Well, I don't care to know what they tell
 8 you about the ongoing in the lawsuit. Are they
 9 giving you information pertinent to Mr. Kearney?
 10 **A. I don't know how to answer that question.**
 11 **Can you rephrase that?**
 12 Q. They're sending you information that they
 13 glean from the lawsuit, correct?
 14 **A. I don't think they send information to me,**
 15 **I don't -- it's providing me with updates,**
 16 **information about the lawsuit.**
 17 Q. Okay. For the past five years you've been
 18 getting information from the trial lawyers about
 19 Mr. Kearney, right?
 20 **A. They've provided information about him.**
 21 Q. Is any of that information of a medical
 22 nature?
 23 **A. I don't recall.**
 24 Q. What is the information pertaining to?

Page 35

1 **A. To the best of my recollection, it's been**
 2 **about the litigation proceedings.**
 3 Q. But your testimony under oath is you don't
 4 even know what the claim is in the litigation; you
 5 don't know if the company has challenged Mr. Kearney
 6 as being disabled or not disabled, right?
 7 **A. Can you repeat the question, please?**
 8 Q. You don't know whether or not there's a
 9 claim anywhere in any court where the company, DMS or
 10 JP, have contended that Mr. Kearney is not disabled,
 11 right?
 12 **A. Not to my knowledge. I don't think that's**
 13 **what it's about.**
 14 Q. Well, you just told me earlier that you
 15 don't know one way or the other what it's about so, I
 16 guess, clarify for me. Do you have an understanding
 17 of whether or not the company has ever filed a
 18 lawsuit or made a claim that Mr. Kearney is not
 19 disabled under the policy?
 20 **A. I don't believe that there is a claim for**
 21 **that.**
 22 Q. Correct, there isn't.
 23 **A. Okay.**
 24 Q. Have you ever told anybody, the team of

Page 36

1 five lawyers, or Jeff McSherry and Amy Callow -- make
 2 it seven; have you told any of them or anybody that
 3 based on your seven-year history with the case that
 4 you think that Mr. Kearney is not disabled?
 5 **A. No.**
 6 Q. That's never happened?
 7 **A. No.**
 8 Q. In fact, Mr. Kearney has been getting paid,
 9 and we can dispute timing of payment and amounts of
 10 payments, but he's been getting paid monthly benefits
 11 for the entire seven-plus year period that you've
 12 been involved in the claim, correct? Seven-year
 13 period --
 14 **A. Yes.**
 15 Q. Did I say seven-year?
 16 **A. I thought you said seven-year.**
 17 Q. Okay. For the entire seven years that you
 18 have either had responsibility for or involvement in
 19 the claim, Mr. Kearney has received -- putting aside
 20 timeliness and amount for the moment -- monthly
 21 benefits under the policy, right?
 22 **A. Yes.**
 23 Q. The company has never come to the
 24 conclusion that he's not disabled, correct?

Page 37

1 **A. No, but the company hasn't been provided**
 2 **with all the necessary information to be able to make**
 3 **that determination.**
 4 Q. What haven't they been provided?
 5 **A. All the information that's been documented**
 6 **through that file.**
 7 Q. What hasn't been provided? Tell me right
 8 now.
 9 **A. My understanding is information about**
 10 **finances --**
 11 Q. You've not gotten any financial information
 12 from Mr. Kearney. What else?
 13 MR. MEAGHER: Objection to form.
 14 Move to strike.
 15 **A. We've received some financial; I don't**
 16 **think we've gotten all the financial.**
 17 **There's been conversations concerning**
 18 **business acquaintances in the past.**
 19 Q. Fourteen years ago, right?
 20 **A. I don't remember the time frames of all**
 21 **this stuff that you asked me today.**
 22 Q. What else?
 23 **A. Those are what come to memory right now.**
 24 Q. Take your time.

10 (Pages 34 to 37)

Accurate Court Reporting
(413) 747-1806 (413) 747-1818

Robert Mills**May 3, 2007**

Page 38	Page 40
<p>1 A. I can't think of anything else at this 2 point. 3 Q. So -- and you know from your seven-year 4 involvement or participation that Mr. Kearney's claim 5 actually was filed back in '93 with Jefferson-Pilot, 6 right? 7 A. Yes, I do. 8 Q. So, he's been receiving benefits for 14 9 years, right? 10 A. Yes. 11 Q. And neither you nor anybody you know has 12 ever come to the conclusion that he's not disabled 13 under the policy, right? 14 MR. MEAGHER: Objection; asked and 15 answered. You can answer again. 16 A. Correct. But as I stated earlier, we also 17 haven't received -- 18 Q. You're missing all the financial 19 information. 20 A. -- all the information to appropriately to 21 review the case. 22 Q. You've been unable to appropriately review 23 the case for the last 14 years, or for you, seven 24 years, right?</p>	<p>1 months. 2 A. I don't even know if I even looked at that 3 last part of the file because I haven't been really 4 that involved in it. 5 Q. Who's more involved than you? 6 A. Jackie at this point. 7 Q. How long has that been the case? 8 A. She's been involved for a couple years. 9 Q. That wasn't my question. How long has she 10 been more involved than you? 11 A. Probably more so over the last couple 12 months. 13 Q. Did you review anything on a computer when 14 you were speaking with your team of five or seven 15 lawyers? 16 MR. MEAGHER: Objection to form. 17 A. No. 18 Q. You didn't review any videos or anything 19 else on a computer? 20 A. Well, I think I've looked at documents that 21 were on our attorneys' laptops. 22 Q. I don't mean electronic files of the 23 correspondence. 24 A. Can you repeat the question?</p>
Page 39	Page 41
<p>1 A. To be able to get the information to do so. 2 Q. Right. You still need more information, 3 right? 4 A. Correct. 5 Q. You want more information from Mr. Kearney 6 about what was going on in the '90s, right? 7 A. I don't remember what the full scope of the 8 information that we have, but we still need 9 information. 10 Q. Well, isn't the claim -- isn't it evaluated 11 month to month? Isn't that the way you guys look at 12 it? 13 A. Yes. 14 Q. So let's just take the year 2007. Are you 15 missing any information for the year 2007 to 16 appropriately evaluate the claim? 17 A. Again, I don't know what information is in 18 that file. I haven't gone through it as thoroughly 19 as I've seen it in quite some time. 20 Q. I thought you just said you reviewed the 21 entire claim file two days ago? 22 A. I did, but it doesn't mean I necessarily 23 remember every single document today. 24 Q. My question's limited to the last four</p>	<p>1 Q. Anything other than an electronic copy of a 2 letter. Have you reviewed anything on a computer 3 other than an electronic copy of a letter? 4 A. No. 5 Q. When was the last time you spoke to anyone 6 at Jefferson-Pilot about Mr. Kearney? 7 A. Several years ago. 8 Q. Do you know if you've had any communication 9 with Jefferson-Pilot about Mr. Kearney since 2002? 10 A. I don't recall, but I can look at the file 11 and -- 12 Q. Well, hopefully it will be produced to me 13 some day, and if there has been communications it 14 would be in the claim file? 15 MR. MEAGHER: Objection to form. 16 Move to strike. You can answer. 17 A. Not necessarily. 18 Q. So you've had communications with 19 Jefferson-Pilot about Mr. Kearney that doesn't end 20 up in the claims file? 21 A. I don't recall all the conversations I 22 would have with them, and if I did, it doesn't 23 necessarily mean they were placed as a document in 24 the file.</p>

11 (Pages 38 to 41)

Robert Mills
May 3, 2007

Page 42

1 Q. Right. That's my point. You can have
 2 communications with Jefferson-Pilot about Mr. Kearney
 3 but that doesn't mean that the communication ends up
 4 in the claim file, correct?

5 **A. Correct.**

6 Q. At this time do you have any involvement in
 7 any other Jefferson-Pilot claims?

8 **A. No.**

9 Q. I think you told me that beginning in 2001
 10 you became Director of Claims on the equitable block?

11 **A. Correct.**

12 Q. Is that still the case?

13 **A. Yes.**

14 Q. Have you received any promotions since the
 15 beginning of 2001?

16 **A. No.**

17 Q. You have an MBA, sir, right?

18 **A. Yes.**

19 Q. Master's of Business Administration?

20 **A. Yes.**

21 Q. I think you also told me in your prior
 22 deposition that when you became Director of Claims on
 23 the equitable block in early 2001 there was four or
 24 five Jefferson-Pilot claims that you retained

Page 43

1 responsibility for. Do you recall that?

2 **A. I don't recall the cases but I remember**
 3 **seeing that when I read over the deposition.**

4 Q. Right. And all those claims other than
 5 Mr. Kearney's have now resolved in one fashion or
 6 another?

7 **A. I don't know if they've resolved or they're**
 8 **continuing to be paid. I don't know the status of**
 9 **them.**

10 Q. When was the last time you had
 11 responsibility for any of those other four or five
 12 claims?

13 **A. Several, several years ago. I don't recall**
 14 **the specific time.**

15 Q. Who is this new person, the supervisor, the
 16 new person you mentioned who has more responsibility
 17 than you do now for Mr. Kearney's claim?

18 **A. That would be Todd Ditmar.**

19 Q. In this litigation you were asked by your
 20 lawyers to sign a sworn statement that all the
 21 interrogatory responses, responses to admission
 22 requests were true; you recall that?

23 MR. MEAGHER: Objection to form.

24 **A. I recall signing something. I don't**

Page 44

1 **remember the document itself.**

2 Q. Did you review everything in the responses
 3 and the requests and the documents available at JP,
 4 the documents available at DMS, to assure yourself
 5 that the statement you were signing was indeed the
 6 truth?

7 MR. MEAGHER: Objection to form.

8 **A. I would have reviewed the document and what**
 9 **it said before I signed something.**

10 Q. When you read your deposition the other
 11 day, did you see in there or do you recall seeing in
 12 there where you told me that the surveillance that
 13 you ordered, the multiple surveillance you ordered in
 14 2000, actually affirmed for you that what Mr. Kearney
 15 was saying was consistent with what the surveillance
 16 showed?

17 **A. Yes, I do remember that.**

18 Q. I want to take you back to September 19,
 19 2000.

20 (Exhibit 1, marked)

21 Q. (By Mr. Roberts) Sir, I hand you Exhibit
 22 1, a document from back in 2000 that was just
 23 recently provided to me two months ago. I don't know
 24 what the explanation is for the four-year lapse.

Page 45

1 MR. MEAGHER: Do you have a copy for
 2 me, Counsel?

3 MR. ROBERTS: I'm handing you yours,
 4 sir.

5 MR. MEAGHER: It sounded like you
 6 were trying to ask a question.

7 Q. (By Mr. Roberts) Mr. Kearney had filed
 8 this lawsuit -- this lawsuit was filed against
 9 Mr. Kearney in June of 2002, and in 2003 there was a
 10 request that some documents be produced. For some
 11 reason this document wasn't produced, notwithstanding
 12 the request four years ago, until last month or the
 13 month before. Why don't you take a look at this
 14 document. It's Bates numbered DMSUPP 0068 through
 15 0071, and in fact 0071 is simply a blank page. But
 16 this is dated September 19, 2000, do you see that?

17 MR. MEAGHER: I'm going to move to
 18 strike Counsel's comments. You can answer the
 19 question.

20 **A. Can you repeat the question, please?**

21 Q. Do you see that this is an e-mail from you,
 22 0068?

23 **A. September 19, 2000, yes. I was looking at**
 24 **the letter. Okay.**

12 (Pages 42 to 45)

Accurate Court Reporting
(413) 747-1806 (413) 747-1818

Robert Mills**May 3, 2007**

<p style="text-align: right;">Page 46</p> <p>1 Q. Is 0068 an accurate copy of an e-mail from 2 you to Mr. Hughes? 3 A. I would say so. It's got my name on it and 4 it's to his attention. 5 Q. Well, you verified the truth of the 6 discovery responses, and this is a DMS document 7 produced in discovery. 8 MR. MEAGHER: Objection to form. 9 Assumes facts not in evidence. 10 Q. (By Mr. Roberts) Are you comfortable that 11 this is an e-mail that you sent to Mr. Hughes on 12 September 19th of 2000, right? 13 A. Yes. 14 Q. Which would have been after the 15 surveillance that you commented on in your earlier 16 deposition that actually affirmed what Mr. Kearney 17 was telling you, right? 18 A. I don't recall the time frame in which the 19 surveillance was. 20 Q. The surveillance occurred when it occurred, 21 and that's in the record. 22 A. Okay. 23 Q. But you recall that testimony, that the 24 surveillance affirmed what Mr. Kearney was telling</p>	<p style="text-align: right;">Page 48</p> <p>1 A. That's my understanding. 2 Q. And Mr. Hughes is considered by the company 3 to be the claims god; he is the brightest of the 4 brightest as far as disability claims go, right? 5 A. Well, he's a knowledgeable guy in the 6 business. 7 Q. You ghostwrote this letter. 8 A. Excuse me? 9 Q. You ghost wrote this letter for Mr. Hughes? 10 A. Yes, I did. 11 Q. And how do you refer to Mr. Hughes at the 12 bottom of 0070? 13 A. I refer to him as "claims God." 14 Q. Okay. Is Mr. Hughes responsible for any 15 specific block of business at DMS? 16 A. Yes. 17 Q. Which blocks, or block? 18 A. I believe it's strictly the equitable, 19 equitable life. 20 Q. But you pulled him into the JP block with 21 this claim? 22 A. I believe when this -- my involvement 23 started and then I was promoted to director, I 24 reported to him, and as I kept this case I continued</p>
<p style="text-align: right;">Page 47</p> <p>1 you, right? 2 A. Yes. 3 Q. This was a letter that you initially 4 drafted for Mr. Hughes to sign, right? 5 A. Yes. 6 Q. Does Mr. Hughes get involved in all the 7 claims that you're involved in? 8 A. No. 9 Q. What's Mr. Hughes's -- what was Mr. Hughes' 10 position back in 2000? 11 A. Off memory I want to say he was assistant 12 vice president. 13 Q. And he reported to John Anderson? 14 A. I don't know. I would assume so. 15 Q. John Anderson is the founder of the company 16 and owner of the company who's the head of Claims, 17 right? 18 A. He's one of the owners of the company. 19 Q. Do you understand that he was one of the 20 founders of the company? 21 A. Yes, I do. 22 Q. And he's always been the head of Claims 23 since the mid '90s or at least since you joined, 24 right?</p>	<p style="text-align: right;">Page 49</p> <p>1 to report to him on it. 2 Q. You told me in your deposition that you 3 were made the equitable director of claims in January 4 of 2001. This is September of 2000. 5 A. Correct. 6 Q. So you brought Hughes into the evaluation 7 of this claim before you became director of equitable 8 block? 9 A. I believe so. 10 Q. You say in your e-mail to Mr. Hughes, 11 "Bill, attached is a copy of the letter I created to 12 be sent under your name. I left a printed copy on 13 your desk along with copies from the file. Let me 14 know if you want the complete file. Thanks? B." 15 What were you referencing, "I left a 16 printed copy"? I presume the printed copy is what's 17 attached to this e-mail? 18 A. Correct. 19 Q. "Along with copies from the file." What 20 are copies from the file referencing? 21 A. Probably the previous letters or Mr. 22 Kearney's letters to us so he can see the sequence of 23 events leading up to this. 24 Q. You didn't give him the complete file but</p>

13 (Pages 46 to 49)

Robert Mills
May 3, 2007

Page 50

1 you invited him to request that from you, right?
 2 **A. I asked the question, if he wanted the**
 3 **complete file.**
 4 Q. Do you know if he had reviewed the complete
 5 file or any documents prior to this date regarding
 6 Mr. Kearney?
 7 **A. I don't know what he may or may not have**
 8 **read at this point. It's a long time ago; I don't**
 9 **know what he looked at or didn't.**
 10 Q. Do you know if he ever read the claim file?
 11 **A. It's my understanding he has.**
 12 Q. How do you come to that understanding?
 13 **A. I believe he sent the letter to Mr. Kearney**
 14 **at one point stating that he had reviewed the claim**
 15 **file.**
 16 Q. He sent this letter to Mr. Kearney; he
 17 reviewed the claim file?
 18 MR. MEAGHER: Objection to form.
 19 Q. (By Mr. Roberts) This letter evolved into
 20 the October 2, 2000 letter, didn't it?
 21 **A. I don't know what the date -- I know there**
 22 **was a letter in there that I had read to refresh my**
 23 **memory where he had stated, you know, he reviewed the**
 24 **file.**

Page 51

1 Q. You don't know sitting here today what
 2 letter this became, what the date of this letter
 3 ultimately became when it was finalized?
 4 **A. I don't know the exact date, but it had to**
 5 **be around at that time, obviously.**
 6 Q. And if the October 2, 2000 letter is the
 7 letter that resulted from this draft, and it's signed
 8 by Hughes, Mr. Hughes didn't write it, did he?
 9 MR. MEAGHER: Objection to form.
 10 **A. Are you referring to there's an October 2,**
 11 **2000 letter in the file under his name?**
 12 Q. Right. Are you mindful of that letter
 13 sitting here today?
 14 **A. I remember the date of that letter.**
 15 Q. Yeah. It's a letter --
 16 **A. I just don't know the content of that**
 17 **letter, if this is the exact one.**
 18 Q. It's not exact but it's a letter signed by
 19 Mr. Hughes, right?
 20 **A. I believe so.**
 21 Q. And that's his first letter to Mr. Kearney?
 22 **A. You know, I don't recall, but looking**
 23 **through the file the last couple of days I believe it**
 24 **was.**

Page 52

1 Q. And in fact, this draft of yours is a draft
 2 that ultimately evolved into that letter, right?
 3 MR. MEAGHER: Objection; asked and
 4 answered.
 5 **A. I believe it is.**
 6 Q. How long prior to this e-mail was it that
 7 Mr. Hughes had been invited by you to become involved
 8 in the claim?
 9 **A. I wouldn't have any idea of the timeline.**
 10 Q. Do you know if this, in fact, was Mr.
 11 Hughes' first substantive involvement in the claim?
 12 **A. I don't have any recollection of that.**
 13 Q. Would the claim file give an indication of
 14 that?
 15 **A. Not necessarily.**
 16 Q. Because things happen on a claim that
 17 aren't necessarily included in the claim file, right?
 18 MR. MEAGHER: Objection to form.
 19 **A. Things happen that are not necessarily**
 20 **documented.**
 21 Q. I mean, you could have been having strategy
 22 meetings with Mr. Hughes for months and months and
 23 months and the production of a claim file wouldn't
 24 necessarily reflect that, right?

Page 53

1 **A. Well, I would say we could have been having**
 2 **conversations about the case; they're not a specific**
 3 **document to that discussion, not all the thoughts**
 4 **about the case would be in the file.**
 5 Q. Precisely. That's correct, right?
 6 **A. Yes.**
 7 Q. So you could be having strategy meetings
 8 with Hughes, getting counsel from Hughes, getting
 9 advice from Hughes about what exactly to do on this
 10 claim or how to bring this claim to some point, but
 11 production of a claim file wouldn't reveal that
 12 necessarily, right?
 13 MR. MEAGHER: Objection; asked and
 14 answered.
 15 **A. That is possible, I just don't know if**
 16 **that's the situation that happened here.**
 17 Q. And you don't know when it was that you got
 18 Hughes involved?
 19 **A. I don't recall today when the specific time**
 20 **frame was.**
 21 Q. Well, you wouldn't have gotten involved
 22 immediately in January of 2000, I suspect?
 23 **A. Again, you know, I don't remember the exact**
 24 **time when that occurred.**

14 (Pages 50 to 53)

Accurate Court Reporting
(413) 747-1806 (413) 747-1818

Robert Mills
May 3, 2007

<p style="text-align: right;">Page 54</p> <p>1 Q. The October 2, 2000 letter suggests that --</p> <p>2 I understand that you at least started the drafting</p> <p>3 of the letter, but Mr. Hughes signed it, and</p> <p>4 according to the letter he signed he reviewed the</p> <p>5 claim fully and the policy as of October 2, 2000. Do</p> <p>6 you know if that's true or not?</p> <p>7 MR. MEAGHER: Objection to form.</p> <p>8 You can answer.</p> <p>9 A. You know, I don't recall specifically</p> <p>10 what's stated in that letter. I'd have to look at</p> <p>11 it.</p> <p>12 Q. Do you know if Mr. Hughes reviewed the</p> <p>13 claim in its entirety and the policy at or about the</p> <p>14 time of this September e-mail?</p> <p>15 A. It's my understanding that he has reviewed</p> <p>16 it, I just don't know when that occurred.</p> <p>17 Q. Do you know how many iterations of this</p> <p>18 e-mail there were?</p> <p>19 A. No, I do not.</p> <p>20 Q. Or this letter, excuse me?</p> <p>21 A. No, I do not.</p> <p>22 Q. And the fact that it says January 18, 2000</p> <p>23 on this letter, let's not be confused, that's simply</p> <p>24 the day it was printed, right?</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Yes, I do.</p> <p>2 Q. Was it the case that all letters drafted</p> <p>3 from October 2000 through the time your company sued</p> <p>4 Mr. Kearney in 2002, were all those letters</p> <p>5 ghostwritten by you that contained Mr. Hughes'</p> <p>6 purported signature?</p> <p>7 A. I don't specifically recall that, if all of</p> <p>8 them were.</p> <p>9 Q. But that was an occurrence?</p> <p>10 A. I know we did at least one; we just talked</p> <p>11 about it.</p> <p>12 Q. Well, this one too, right?</p> <p>13 Actually, this one purports to have your</p> <p>14 signature but you passed it by Mr. Hughes?</p> <p>15 A. Yes.</p> <p>16 Q. Could you read the e-mail, what the e-mail</p> <p>17 says?</p> <p>18 A. Yes. It says, "Alright. I took the</p> <p>19 letters of the two greatest minds in the office to</p> <p>20 create the version attached. Let me know when or if</p> <p>21 you want to discuss this again so I can explain my</p> <p>22 thoughts on this. B."</p> <p>23 Q. The two greatest minds being yourself and</p> <p>24 Mr. Hughes, the claims god?</p>
<p style="text-align: right;">Page 55</p> <p>1 A. Correct.</p> <p>2 MR. MEAGHER: I think it says 2007</p> <p>3 on mine.</p> <p>4 A. 2007.</p> <p>5 Q. 2007. You're also mindful that that</p> <p>6 October 2, 2000 letter suggested that further</p> <p>7 payments to Mr. Kearney, if any, would be under</p> <p>8 reservation of rights?</p> <p>9 A. I'm not comfortable -- I'd have to look at</p> <p>10 it.</p> <p>11 Q. Had you put Mr. Kearney's payments on</p> <p>12 reservation of rights prior to October 2, 2000?</p> <p>13 A. I don't recall.</p> <p>14 Q. Do you recall the claim going on a</p> <p>15 reservation of rights status?</p> <p>16 A. As I sit here today, no, I do not.</p> <p>17 Q. You don't even recall that that happened?</p> <p>18 A. It's been such a long time ago, I don't.</p> <p>19 (Exhibit 2, marked)</p> <p>20 Q. (By Mr. Roberts) Sir, I've handed you</p> <p>21 another e-mail and presumably a copy of what was</p> <p>22 attached to the e-mail. This e-mail's dated November</p> <p>23 1 of 2000, also again from you to Hughes, do you see</p> <p>24 that?</p>	<p style="text-align: right;">Page 57</p> <p>1 A. It would be myself and Mr. Hughes.</p> <p>2 Q. The claims god?</p> <p>3 A. I don't refer to him -- that was a joke</p> <p>4 obviously.</p> <p>5 Q. That was a joke?</p> <p>6 A. Yes.</p> <p>7 And I also want to add that that had, you</p> <p>8 know, no reference to Mr. Kearney himself or his case</p> <p>9 whatsoever.</p> <p>10 MR. ROBERTS: Move to strike the</p> <p>11 self-serving statement from the record.</p> <p>12 Q. (By Mr. Roberts) You got Mr. Hughes</p> <p>13 involved on a claim that had been pending for seven</p> <p>14 years and that's remained pending for seven years and</p> <p>15 at the time you got him involved you referred to him</p> <p>16 as the claims god in that letter, true or false?</p> <p>17 A. Can you repeat the question, please?</p> <p>18 Q. At the time you got Mr. Hughes involved the</p> <p>19 claim had been in pay status for seven years, and</p> <p>20 it's remained in pay status for seven years. And at</p> <p>21 the time you got him involved, you referred to him as</p> <p>22 "Claims God," true?</p> <p>23 MR. MEAGHER: Objection to form.</p> <p>24 A. I just referred to him in that one e-mail</p>

15 (Pages 54 to 57)

Robert Mills
May 3, 2007

Page 58

1 as a joke and it's never --
 2 Q. Is my question true? The claim was in pay
 3 status for seven years at the time, correct?
 4 A. Yes.
 5 Q. It's remained in pay status for seven
 6 years, correct?
 7 A. That's my understanding.
 8 Q. And at the very time you got him involved,
 9 you referred to him as the claims god, right?
 10 A. Again, I don't recall a specific time I
 11 made that reference. It was a joke, it was a
 12 one-time thing, it didn't happen again.
 13 Q. It wasn't a one-time thing; the next month
 14 you referred to him as "the greatest mind in the
 15 office," right?
 16 MR. MEAGHER: No, the document
 17 speaks for itself.
 18 Q. (By Mr. Roberts) Do you refer to him as
 19 "the greatest mind in the office," or perhaps, second
 20 to yours, the greatest mind in the office?
 21 A. I mentioned the two greatest minds. Again,
 22 that --
 23 Q. So either he's number one or he's number
 24 two?

Page 59

1 A. It was a reference as -- it was a joke.
 2 Q. Well, you didn't get someone subordinate to
 3 you involved in Mr. Kearney's claim in October 2000,
 4 right, you went to someone superior, correct?
 5 A. I believe that to be correct.
 6 MR. ROBERTS: We'll switch tapes.
 7 THE VIDEOGRAPHER: Going off record
 8 at 2:11 p.m.
 9 (A recess was taken.)
 10 THE VIDEOGRAPHER: We're back on
 11 record at 2:18 p.m.
 12 Q. (By Mr. Roberts) Sir, has there been any
 13 surveillance of Mr. Kearney since 2002?
 14 A. I don't recall without being able to look
 15 at the file.
 16 Q. I'm not able to look at the file either as
 17 we sit here. You're not mindful of any surveillance
 18 being ordered on Mr. Kearney since 2002?
 19 A. I know there's been surveillance, I just
 20 don't know if it's gone past 2002.
 21 Q. Do you know if there's been any medical
 22 record review since 2002?
 23 A. Yes.
 24 Q. By whom?

Page 60

1 A. I believe it was Janet Beattie.
 2 Q. Is she an employee of DMS or PDC?
 3 A. My understanding is she's an employee of
 4 PDC.
 5 Q. Okay. Who else?
 6 A. That's all I can recall.
 7 Q. Do you know when Ms. Beattie did her record
 8 review?
 9 A. I believe that was in the last few months.
 10 Q. Have you seen her conclusions?
 11 A. I saw the report. I don't recall it, I
 12 don't remember the content of that report.
 13 Q. Was the report put in the claim file?
 14 A. Yes, it was.
 15 Q. Has there been any other investigation of
 16 Mr. Kearney since 2002 that you're aware of that's in
 17 the claim file?
 18 A. The case is continued. It's been evaluated
 19 since 2002.
 20 Q. But have you hired any investigators, any
 21 CPAs to review financial information, any doctor to
 22 review records, any surveillance companies to conduct
 23 surveillance, any Internet research companies to do
 24 investigations over the Internet; all those tools

Page 61

1 that you use in your trade, has any of that been done
 2 since 2002?
 3 A. I don't know if it's gone past 2002 or not.
 4 I'm not saying it has, I just don't remember.
 5 Q. Is there anything that's been done along
 6 those lines that you're aware of that isn't contained
 7 in the claim file since 2002?
 8 A. Can you repeat that question, please?
 9 Q. Is there anything along those lines that's
 10 been conducted since 2002 that you're aware of that
 11 isn't contained in the claim file?
 12 A. Not to my knowledge.
 13 Q. Any of that type of activity that's been
 14 performed is in the claim file as far as you know?
 15 A. As far as I would know.
 16 Q. It should be in the claim file?
 17 MR. MEAGHER: Objection to form.
 18 A. Can you say the question again?
 19 Q. If those types of activities were
 20 performed, it should be in the claim file?
 21 MR. MEAGHER: Objection to form.
 22 A. I don't know that. I don't know if it
 23 would be in there or not.
 24 Q. There are occasions when you investigate a

16 (Pages 58 to 61)

Accurate Court Reporting
(413) 747-1806 (413) 747-1818

Robert Mills
May 3, 2007

Page 62	Page 64
<p>1 policyholder who has a pending claim for benefits and 2 you don't put the investigative report or analysis in 3 the claim file? 4 A. Well, my understanding is this is in 5 litigation, so I don't know if anything was created. 6 Q. You told me that your understanding of 7 litigation is that there's not a contention that 8 Mr. Kearney is not disabled, and your understanding 9 is in fact accurate. So, my question, sir, is you 10 know that he has a continuing claim for disability 11 that's been administered by, at least in part, you 12 for four years, the last four years, right? 13 MR. MEAGHER: I'm going to object to 14 the form. Move to strike the speech. 15 Q. (By Mr. Roberts) And during that period of 16 time you also understand that there's not been a 17 claim by your company or Jefferson-Pilot in a lawsuit 18 anywhere that Mr. Kearney is not disabled, correct? 19 MR. MEAGHER: Objection; asked and 20 answered. 21 A. Can you repeat that question, please. 22 Q. During this last four years you've had some 23 involvement with the Kearney claim, right? 24 A. Yes.</p>	<p>1 investigative report in the claim file; that happens? 2 MR. MEAGHER: Objection to form. 3 A. If I had an investigative report, I find 4 myself putting a report in the file once I received 5 it from the company. 6 Q. But you're not willing to say that with 7 regard to Mr. Kearney, who's had a claim pending for 8 four years without any dispute about him being 9 disabled, you're not willing to say with regard to 10 Mr. Kearney that an investigation performed on him 11 during that period would absolutely be in the claim 12 file; it's possible that there could have been an 13 investigation that didn't end up in the claim file? 14 MR. MEAGHER: Objection; asked and 15 answered. 16 A. Well, the first part of your question, I 17 think there has been some dispute over his 18 disability. You know -- 19 Q. You just told me under oath that there 20 isn't. 21 MR. MEAGHER: Excuse me, don't 22 interrupt. Did you finish your answer, sir? 23 THE WITNESS: No, I did not. 24 MR. MEAGHER: Please finish your</p>
Page 63	Page 65
<p>1 Q. And during that last four years it's been 2 your understanding that the company has not contested 3 whether or not Mr. Kearney is totally disabled in a 4 lawsuit, right? 5 MR. MEAGHER: Asked and answered. 6 A. Yes. 7 Q. If during that period there was some type 8 of investigation of the type you perform, asking Barb 9 Bailey to do some investigation over the Internet, 10 asking some doctor on staff or some independent 11 contractor to come in to review records, hiring an 12 IME, conducting surveillance, if any of that type of 13 activity was performed on Mr. Kearney, since there 14 isn't a lawsuit relating to his disability that 15 should go in the claim file, shouldn't it? 16 MR. MEAGHER: Objection; calls for a 17 legal conclusion. 18 A. I was going to say, that seems like a legal 19 interpretation of whether that stuff would go in 20 there or not. I don't know. 21 Q. It's your contention that when a 22 policyholder has a claim pending and there's no 23 lawsuit regarding their disability, your company may 24 investigate the policyholder and not put that</p>	<p>1 answer before he starts another one. 2 Q. (By Mr. Roberts) Strike my question. 3 Don't answer that question. 4 MR. MEAGHER: Okay. 5 Q. (By Mr. Roberts) Didn't you just tell me 6 under oath that it's your belief that there's not 7 been a contest about whether or not Mr. Kearney's 8 disabled? 9 A. That was my understanding through the 10 litigation proceedings. But as far as an ongoing 11 pending claim month to month, there's questions. We 12 understand he's got a medical condition, but we're 13 trying to evaluate his disability and eligibility for 14 benefits under the policy. 15 Q. So you're still paying him under 16 reservation of rights; you might sue him and ask for 17 the money you already paid him in 2002, '03, '04, '05 18 and '06 because you might contend in the future he's 19 not disabled? 20 MR. MEAGHER: Objection to form. 21 A. I don't know if it's being paid under 22 reservation of rights at this point. 23 Q. Okay. Sir, are you just speculating or are 24 you telling me factual information right now?</p>

17 (Pages 62 to 65)

Robert Mills
May 3, 2007

Page 66

1 MR. MEAGHER: You just asked him
 2 what he's going to do in the future.

3 Q. (By Mr. Roberts) Are you speculating or
 4 are you just telling me factual information now,
 5 what's the case?

6 MR. MEAGHER: Objection to form.

7 **A. I'm answering your questions to the best of**
 8 **my ability.**

9 Q. As we sit here today are you telling me
 10 that there's a question historically about whether
 11 Mr. Kearney's disabled or not?

12 MR. MEAGHER: Objection; asked and
 13 answered several times.

14 **A. Yes.**

15 Q. Okay. So the company has never conceded
 16 that he is disabled even though he's been paid
 17 benefits for 14 years, is that your testimony?

18 **A. I don't know over the periods of time. I**
 19 **know from the periods we've handled the case there's**
 20 **been questions of his eligibility for the benefits.**

21 Q. As Mr. Kearney sits here today are you able
 22 to tell him, look at him and tell him, "Mr. Kearney,
 23 we've never considered you disabled. We may come
 24 back to you and ask for all the money back"? Is that

Page 68

1 in the past, the company is not committed that he is
 2 totally disabled and they may come back and sue him
 3 to repay those benefits, too, right?

4 MR. MEAGHER: Objection to form.

5 **A. I know there's been questions of what his**
 6 **benefit eligibility has been in the past and I don't**
 7 **know if it would be the company's action to go and**
 8 **request that he pay back benefits that he's already**
 9 **been paid if it was later determined he wasn't**
 10 **eligible for them, I don't know that, that's the**
 11 **future.**

12 Q. So sitting here under oath you can't tell
 13 my client who's sitting two feet from you,
 14 "Mr. Kearney, Jefferson-Pilot paid you benefits for
 15 seven years, on behalf of Jefferson-Pilot we paid
 16 benefits to you for an additional seven years, and
 17 you can rest assured that we're not going to write
 18 you a letter in the future saying, "In 2005 you
 19 weren't disabled. Pay us the money back"?

20 MR. MEAGHER: Objection to form.

21 **A. I can't predict how a claim's going to be**
 22 **handled in the future. It's all going to be based on**
 23 **what information comes --**

24 Q. Can you look at my client in the eye right

Page 67

1 the case?

2 MR. MEAGHER: Objection to form.

3 **A. He's been considered disabled for a period**
 4 **of time, but as the claim's gone on there's been**
 5 **questions that have been raised concerning his**
 6 **ongoing eligibility for the benefits.**

7 Q. So what period is in doubt right now about
 8 his ongoing disability?

9 **A. Again, I don't know what time frame that**
 10 **was. You'd have to look back into the file.**

11 Q. Is it a historical time frame but today he
 12 is considered disabled?

13 **A. I'm not really involved in the case to that**
 14 **degree at this point, so I don't know.**

15 Q. Are you able to tell me sitting here today
 16 that you know of any period of time where the company
 17 doubts that Mr. Kearney meets the definition of
 18 disabled?

19 **A. I don't know a specific time frame but I**
 20 **know there's periods of time, and not having all the**
 21 **information available to me to look at --**

22 Q. So my client will leave here today
 23 listening to your sworn testimony with the
 24 understanding that, although he's received benefits

Page 69

1 now and tell him that the money he's received because
 2 he's residually or totally disabled is something that
 3 he can feel confident is his forever?

4 MR. MEAGHER: I object and instruct
 5 you not to respond to Counsel's direction to
 6 address anything to anyone. You answer
 7 questions.

8 Q. (By Mr. Roberts) I didn't ask you to look
 9 at him. I said could you?

10 MR. MEAGHER: Yes, you did.

11 MR. ROBERTS: Are you finished,
 12 Counsel?

13 MR. MEAGHER: For now. But I may
 14 have more in the future.

15 MR. ROBERTS: How can you say what
 16 will happen in the future?

17 MR. MEAGHER: Exactly.

18 Q. (By Mr. Roberts) Sir, would you be able --
 19 don't do it, but would you be able to look at my
 20 client today and say "Mr. Kearney, you've received
 21 168 months of benefits and we don't, as we sit here
 22 today, dispute that you've been disabled for that 168
 23 months"? Are you able to do that?

24 MR. MEAGHER: Objection; asked and

18 (Pages 66 to 69)

Accurate Court Reporting
(413) 747-1806 (413) 747-1818

Robert Mills
May 3, 2007

Page 70	Page 72
<p>1 answered.</p> <p>2 A. I've talked about that earlier, that we</p> <p>3 don't have --</p> <p>4 Q. Okay.</p> <p>5 MR. MEAGHER: Did you finish your --</p> <p>6 THE WITNESS: No.</p> <p>7 Q. (By Mr. Roberts) Go ahead.</p> <p>8 A. That we don't have all the information to</p> <p>9 be able to make that decision for past periods of</p> <p>10 time.</p> <p>11 Q. Okay. So the jury is still out on whether</p> <p>12 or not Mr. Kearney needs to pay back the 168 months</p> <p>13 of benefits, right?</p> <p>14 A. Yes. However, that's because we haven't</p> <p>15 gotten all the information, of which, if we got that</p> <p>16 information it could support his benefit eligibility.</p> <p>17 Q. Okay. And that information again is this</p> <p>18 information about his accounts back in '94?</p> <p>19 MR. MEAGHER: Objection; asked and</p> <p>20 answered.</p> <p>21 A. Again, I don't know specifically --</p> <p>22 Q. I'll stick with that objection, because</p> <p>23 you've already answered that question. You've told</p> <p>24 me the entirety of the information that the company</p>	<p>1 Q. You're going to rely on what you told me</p> <p>2 before?</p> <p>3 A. Correct.</p> <p>4 MR. ROBERTS: Well, Chris, be aware</p> <p>5 they're going to come after --</p> <p>6 MR. MEAGHER: I can hear your</p> <p>7 attorney/client conversation, Counsel, so be</p> <p>8 cautious about that.</p> <p>9 MR. ROBERTS: You have good hearing.</p> <p>10 MR. MEAGHER: You're saying it</p> <p>11 pretty loudly, actually.</p> <p>12 Q. (By Mr. Roberts) When was the last IME you</p> <p>13 had performed to assure yourself that Mr. Kearney is</p> <p>14 disabled, you're not paying him in error?</p> <p>15 A. I know there's one IME in the file from a</p> <p>16 few years back.</p> <p>17 Q. 2001, right?</p> <p>18 A. I don't remember what time frame that was.</p> <p>19 Q. Is it normal course for DMS to be paying</p> <p>20 benefits to someone they don't think is disabled?</p> <p>21 A. I don't think we have the answer to that</p> <p>22 question yet.</p> <p>23 Q. Is it the normal course for DMS to believe</p> <p>24 someone's not medically disabled and not have an IME</p>
Page 71	Page 73
<p>1 needs to be confident that 168 months of benefits are</p> <p>2 something that Mr. Kearney can feel confident is his,</p> <p>3 right? You've already answered that question your</p> <p>4 counselor says.</p> <p>5 MR. MEAGHER: Objection to form.</p> <p>6 A. Can you repeat the question then?</p> <p>7 Q. Your counselor just said, and he has</p> <p>8 ethical duties, he just said you've given me the</p> <p>9 entire list of all the information that the company</p> <p>10 needs to finally assure itself that 14 years of</p> <p>11 benefits are not something that they're going to sue</p> <p>12 Mr. Kearney to repay?</p> <p>13 A. I believe I talked --</p> <p>14 MR. MEAGHER: Objection to form.</p> <p>15 You can answer.</p> <p>16 A. I believe I talked about certain items that</p> <p>17 I could recall but --</p> <p>18 Q. He said you gave me all of them.</p> <p>19 A. But I would have to -- it would be</p> <p>20 documented in the file what we've asked for.</p> <p>21 Q. What are those items again?</p> <p>22 MR. MEAGHER: Objection; asked and</p> <p>23 answered.</p> <p>24 A. We can read the testimony back.</p>	<p>1 performed for six years?</p> <p>2 A. Can you repeat the question, please?</p> <p>3 Q. Strike the question.</p> <p>4 Have you ever heard the phrase "managing</p> <p>5 expectations"?</p> <p>6 A. I've heard it.</p> <p>7 Q. Have you ever heard it from Mr. Bonsall?</p> <p>8 A. I don't recall specifically where I've</p> <p>9 heard it from.</p> <p>10 Q. You've never heard -- who is Mr. Bonsall?</p> <p>11 A. He's the president of the company, DMS.</p> <p>12 Q. And your testimony under oath is you've</p> <p>13 never heard him use the phrase "manage expectations"?</p> <p>14 MR. MEAGHER: Objection; asked and</p> <p>15 answered. All his testimony's under oath, by</p> <p>16 the way, Counsel.</p> <p>17 A. I don't recall if he said that specifically</p> <p>18 directly to me or not, at a meeting or anything like</p> <p>19 that.</p> <p>20 Q. He's been known to say that that's kind of</p> <p>21 the focus of the company, managing expectations; are</p> <p>22 you aware of that?</p> <p>23 MR. MEAGHER: Object to form.</p> <p>24 A. I don't recall.</p>

19 (Pages 70 to 73)

Robert Mills
May 3, 2007

Page 74

1 Q. You had phone conversations with Attorney
 2 Spiegel before you went to Miami to meet with him,
 3 right?
 4 **A. I don't know if I specifically had a phone**
 5 **conversation with him.**
 6 Q. Okay. If he comes to court and testifies
 7 that you had phone conversations, would that be
 8 false?
 9 MR. MEAGHER: Objection to form.
 10 **A. When you say "you" are you meaning me only?**
 11 Q. Bob Mills had a phone conversation with
 12 Attorney Spiegel. Attorney Spiegel comes into court
 13 and says "I spoke to Bob Mills in August of 2001 and
 14 here's what he said." Would he be lying about phone
 15 conversations he had with you?
 16 MR. MEAGHER: Objection to form.
 17 **A. I've spoken with Attorney Spiegel in the**
 18 **past on other cases --**
 19 Q. Over the phone?
 20 **A. -- so, you know, I don't know when I had**
 21 **spoke with him last, when that would be.**
 22 Q. You don't know whether you spoke to him
 23 over the phone about Mr. Kearney in August 2001 or
 24 not?

Page 75

1 **A. I don't remember that conversation, if it**
 2 **occurred.**
 3 Q. What does reservation of rights mean?
 4 **A. Reservation of rights is when we've made**
 5 **payments to insureds when there's been questions**
 6 **about the liability in the case, and as we continue**
 7 **to evaluate and get information we extend the**
 8 **payments to the insured.**
 9 Q. Have you paid Mr. Kearney under reservation
 10 of rights over the last five years?
 11 **A. I don't know what that status is.**
 12 Q. How long were your two-day meetings with
 13 your five-member lawyer team? How many hours?
 14 **A. I met with John and Adam yesterday all day,**
 15 **and this morning.**
 16 Q. And Bill Ellis yesterday, right?
 17 **A. I spoke with him on the phone.**
 18 Q. So a full business day plus this morning?
 19 **A. Yes.**
 20 Q. So in excess of ten hours?
 21 **A. I didn't keep track of the time.**
 22 Q. Well, a full business day yesterday plus
 23 time this morning, that would be in excess of ten
 24 hours.

Page 76

1 **A. Sounds fair.**
 2 MR. ROBERTS: Counsel, am I going to
 3 be able to get a copy of the claims file from
 4 2002 through 2007 before I leave Springfield?
 5 MR. MEAGHER: I'm not responding to
 6 discovery requests here. So, I'd like to see
 7 the request and I'd have to respond to it;
 8 usually you get 30 days for requests for
 9 production. If you're asking me to do
 10 something while I'm prepping a witness for
 11 tomorrow's depo, the answer's no.
 12 MR. ROBERTS: For the record, this
 13 request has been outstanding since 2003. I've
 14 asked Mr. Meagher to, while I'm here, prepare
 15 a copy for me, and his representation is he
 16 will make no effort to accommodate that.
 17 Thank you, Counsel.
 18 MR. MEAGHER: Well --
 19 MR. ROBERTS: Thank you, once again,
 20 for your cooperation, sir.
 21 MR. MEAGHER: -- let me also respond
 22 that if he hasn't received documents that have
 23 been owed to him since 2003, he certainly has
 24 been remiss in not moving that along through

Page 77

1 the proper procedures under the rules rather
 2 than waiting for the eleventh hour with his
 3 client sitting here knowing that his attorney
 4 has waited that long to do his job. So I'm
 5 not ready to respond and work all night to do
 6 something that you could have done the past
 7 four years, apparently.
 8 MR. KEARNEY: My --
 9 MR. ROBERTS: You don't say a word.
 10 The effort that John Meagher would
 11 make to make a copy of what's probably a
 12 hundred pages of material, is probably five
 13 minutes, so the representation that he might
 14 be up all night to do it, he knows to be not
 15 genuine. But, you know what? That's just
 16 what I'm dealing with in this case.
 17 Sir, we're concluded. Thank you.
 18 MR. MEAGHER: I have some questions.
 19
 20 EXAMINATION BY MR. MEAGHER:
 21 Q. Mr. Mills, how long was Bill Ellis involved
 22 in your preparation for this deposition all told?
 23 **A. Ten, maybe fifteen minutes.**
 24 Q. How about Andy Cohen, how long was he

20 (Pages 74 to 77)

Accurate Court Reporting
(413) 747-1806 (413) 747-1818

Robert Mills
May 3, 2007

Page 78	Page 80
<div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">1</div> <div>involved?</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">2</div> <div>A. Approximately a half an hour.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">3</div> <div>MR. MEAGHER: That's all I have.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">4</div> <div>THE VIDEOGRAPHER: This concludes</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">5</div> <div>the deposition at 2:37 p.m.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">6</div> <div>(Witness excused)</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">7</div> <div>(Deposition concluded)</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">8</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">9</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">10</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">11</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">12</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">13</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">14</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">15</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">16</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">17</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">18</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">19</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">20</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">21</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">22</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">23</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">24</div> <div></div> </div>	<div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">1</div> <div>ERRATA SHEET</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">2</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">3</div> <div>To be signed by deponent and returned to counsel.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">4</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">5</div> <div>I, the undersigned, ROBERT MILLS, do hereby</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">6</div> <div>certify that I have read the foregoing transcript of</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">7</div> <div>my testimony given in the matter of JEFFERSON-PILOT</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">8</div> <div>v. KEARNEY v. DMS, and to the best of my knowledge,</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">9</div> <div>said transcript is true and accurate with the</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">10</div> <div>exception of the corrections listed below:</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">11</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">12</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">13</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">14</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">15</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">16</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">17</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">18</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">19</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">20</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">21</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">22</div> <div>DEPONENT'S SIGNATURE _____</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">23</div> <div>DATE OF SIGNING _____</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">24</div> <div>5.3.07/sr</div> </div>
<div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">1</div> <div>COMMONWEALTH OF MASSACHUSETTS</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">2</div> <div>Hampden</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">3</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">4</div> <div>I, Sharon R. Roy, a Notary Public in and for the</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">5</div> <div>Commonwealth of Massachusetts, do certify that</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">6</div> <div>pursuant to notice, there came before me on the 3rd</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">7</div> <div>day of May, 2007, at the offices of ACCURATE COURT</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">8</div> <div>REPORTING, 1500 Main Street, Springfield,</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">9</div> <div>Massachusetts, the following named person, to wit:</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">10</div> <div>ROBERT MILLS, who was by me duly sworn to testify to</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">11</div> <div>the truth and nothing but the truth as to his</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">12</div> <div>knowledge touching and concerning the matters in</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">13</div> <div>controversy in this cause; that he was thereupon</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">14</div> <div>examined upon his oath and said examination reduced</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">15</div> <div>to writing by me; and that the deposition is a true</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">16</div> <div>record of the testimony given by the witness, to the</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">17</div> <div>best of my knowledge and ability.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">18</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">19</div> <div>I further certify that I am not a relative or</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">20</div> <div>employee of counsel or attorney for any of the</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">21</div> <div>parties, nor a relative or employee of such parties,</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">22</div> <div>nor am I financially interested in the outcome of the</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">23</div> <div>action.</div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">24</div> <div></div> </div>	<div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">1</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">2</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">3</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">4</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">5</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">6</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">7</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">8</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">9</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">10</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">11</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">12</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">13</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">14</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">15</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">16</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">17</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">18</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">19</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">20</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">21</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">22</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">23</div> <div></div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 30px; text-align: right;">24</div> <div></div> </div>

21 (Pages 78 to 80)

Robert Mills
May 3, 2007

1

A		
ability (2) 66:8 79:10 able (14) 23:11 24:19 29:11 37:2 39:1 59:14,16 66:21 67:15 69:18 69:19,23 70:9 76:3 absolutely (1) 64:11 accept (2) 6:6,7 accommodate (1) 76:16 accounts (1) 70:18 accurate (5) 1:20 46:1 62:9 79:5 80:6 acquaintances (1) 37:18 action (3) 21:13 68:7 79:13 activities (1) 61:19 activity (2) 61:13 63:13 Adam (4) 2:17 9:1 32:15 75:14 add (1) 57:7 additional (1) 68:16 address (8) 5:9,14 6:4,12,15,18 7:14 69:6 administered (1) 62:11 Administration (1) 42:19 admission (1) 43:21 advice (2) 13:20 53:9 affirmed (3) 44:14 46:16,24	afternoon (1) 24:20 ago (14) 4:12,12 11:2 25:23 26:22 30:19 37:19 39:21 41:7 43:13 44:23 45:12 50:8 55:18 agree (1) 20:9 agreeing (1) 23:4 ahead (3) 4:14 15:17 70:7 Albazac (1) 30:16 allow (1) 12:9 Alright (1) 56:18 amount (2) 11:5 36:20 amounts (1) 36:9 Amy (1) 36:1 analysis (2) 34:3 62:2 Anderson (2) 47:13,15 Andy (2) 9:11 77:24 and/or (1) 17:18 answer (26) 7:10,16 12:5,9,12 13:15,21 17:1,3 18:6 19:19 22:7 26:12,17 27:4 34:10 38:15 41:16 45:18 54:8 64:22 65:1,3 69:6 71:15 72:21 answered (16) 16:23 18:5 26:17 38:15 52:4 53:14 62:20 63:5 64:15 66:13 70:1,20,23 71:3,23	73:15 answering (5) 7:7 13:16 14:17 17:11 66:7 answer's (1) 76:11 anybody (8) 6:10 9:2 15:20 25:8 30:12 35:24 36:2 38:11 apparently (1) 77:7 appropriate (1) 6:7 appropriately (3) 38:20,22 39:16 Approximately (1) 78:2 April (1) 79:21 aside (1) 36:19 asked (26) 14:20 16:22,24 18:4 19:22 23:14 25:10 26:16 29:14 37:21 38:14 43:19 50:2 52:3 53:13 62:19 63:5 64:14 66:1,12 69:24 70:19 71:20,22 73:14 76:14 asking (13) 14:13,24 17:12 19:22,23 22:9 23:7 29:7,10 31:14 63:8,10 76:9 assist (1) 9:14 assistant (1) 47:11 assume (1) 47:14 assumes (5) 15:13 18:5 24:13 25:3 46:9 assure (3) 44:4 71:10 72:13 assured (1) 68:17

Robert Mills
May 3, 2007

2

attached (6) 3:10,13 49:11,17 55:22 56:20 Attendance (1) 2:15 Attending (1) 28:11 attention (2) 12:1 46:4 attorney (6) 74:1,12,12,17 77:3 79:12 attorneys (5) 8:20,21,22,24 40:21 attorney-client (4) 14:4,5 20:2,5 attorney/client (1) 72:7 August (2) 74:13,23 available (3) 44:3,4 67:21 aware (5) 60:16 61:6,10 72:4 73:22	Beattie (2) 60:1,7 began (3) 30:21 31:14,16 beginning (4) 16:16,18 42:9,15 behalf (1) 68:15 belief (1) 65:6 believe (21) 11:20 19:24 20:1 21:3 22:13 30:1 31:17 35:20 48:18,22 49:9 50:13 51:20,23 52:5 59:5 60:1,9 71:13,16 72:23 believed (1) 10:16 benefit (2) 68:6 70:16 benefits (19) 29:8 36:10,21 38:8 62:1 65:14 66:17,20 67:6,24 68:3,8,14,16 69:21 70:13 71:1,11 72:20 best (4) 35:1 66:7 79:10 80:6 beyond (1) 5:24 Bill (7) 9:6,6 16:6 32:15 49:11 75:16 77:21 Biscayne (1) 2:11 blank (1) 45:15 block (7) 26:23 42:10,23 48:15,17,20 49:8 blocks (1) 48:17 Bob (2) 74:11,13 Bonsall (2)	73:7,10 bottom (1) 48:12 Boulevard (1) 2:11 BOWEN (1) 2:10 briefly (1) 19:2 brightest (2) 48:3,4 Brillman (1) 20:24 bring (1) 53:10 brought (2) 11:24 49:6 business (7) 24:23 37:18 42:19 48:6,15 75:18,22
B		
B (2) 49:14 56:22 back (16) 9:24 38:5 44:18,22 47:10 59:10 66:24,24 67:10 68:2 68:8,19 70:12,18 71:24 72:16 Bailey (1) 63:9 bantering (1) 23:20 Barb (1) 63:8 BARRETT (1) 1:3 based (4) 18:1,15 36:3 68:22 Bates (1) 45:14		
C		
		C (2) 2:1 4:1 Callow (1) 36:1 calls (1) 63:16 care (1) 34:7 case (29) 1:3 6:15 22:20 25:17 26:19 26:20 28:18 29:11,14,15 32:19 33:22 36:3 38:21,23 40:7 42:12 48:24 53:2,4 56:2 57:8 60:18 66:5,19 67:1,13 75:6 77:16 cases (5) 20:18,22 21:16 43:2 74:18 category (1) 12:10 cause (1) 79:8

Robert Mills
May 3, 2007

3

cautious (1) 72:8 Center (2) 2:5,10 certain (1) 71:16 certainly (2) 4:18 76:23 certify (3) 79:4,11 80:5 challenged (1) 35:5 change (2) 23:14 27:22 checks (1) 28:19 children (2) 7:20,24 Chris (1) 72:4 Christopher (5) 1:9 2:3,16 3:11,14 Cincinnati (1) 2:6 Civil (1) 1:19 claim (82) 4:19 16:2 18:2,17 22:17 24:8 25:15,24 26:7,15 27:11,13 27:15,17 28:5,5,13,20 29:2 29:10 31:7,14 32:6,11,14 32:17,22 33:14,19 35:4,9 35:18,20 36:12,19 38:4 39:10,16,21 41:14 42:4 43:17 48:21 49:7 50:10,14 50:17 52:8,11,13,16,17,23 53:10,10,11 54:5,13 55:14 57:13,19 58:2 59:3 60:13 60:17 61:7,11,14,16,20 62:1,3,10,17,23 63:15,22 64:1,7,11,13 65:11 claiming (1) 33:5	claims (28) 10:3 21:21,22 22:1,12,23 23:2 26:23 41:20 42:7,10 42:22,24 43:4,12 47:7,16 47:22 48:3,4,13 49:3 56:24 57:2,16,22 58:9 76:3 claim's (2) 67:4 68:21 clarify (1) 35:16 client (6) 28:22 67:22 68:13,24 69:20 77:3 coaching (1) 6:1 Cohen (2) 9:11 77:24 college (1) 6:20 come (8) 36:23 37:23 38:12 50:12 63:11 66:23 68:2 72:5 comes (4) 33:17 68:23 74:6,12 comfortable (4) 5:10 7:13 46:10 55:9 commencing (1) 1:21 commented (1) 46:15 comments (1) 45:18 commission (1) 79:20 committed (1) 68:1 Commonwealth (2) 79:1,4 communication (5) 14:4,6 17:8 41:8 42:3 communications (3) 41:13,18 42:2 companies (2)	60:22,23 company (25) 29:7,8 33:4 35:5,9,17 36:23 37:1 47:15,16,18,20 48:2 56:3 62:17 63:2,23 64:5 66:15 67:16 68:1 70:24 71:9 73:11,21 company's (1) 68:7 complete (4) 49:14,24 50:3,4 computer (3) 40:13,19 41:2 conceded (1) 66:15 concerning (3) 37:17 67:5 79:8 concerns (1) 4:18 concluded (2) 77:17 78:7 concludes (1) 78:4 conclusion (3) 36:24 38:12 63:17 conclusions (1) 60:10 condition (1) 65:12 conditions (1) 7:18 conduct (2) 4:15 60:22 conducted (1) 61:10 conducting (1) 63:12 confident (3) 69:3 71:1,2 confidential (3) 4:18,22 5:16 confidentiality (3) 4:10,14 5:19
--	--	---

Robert Mills
May 3, 2007

4

confused (1) 54:23	72:7 74:5,11 75:1	11:2 31:17,19,23 40:8,11 51:23
Connecticut (1) 8:13	conversations (6) 37:17 41:21 53:2 74:1,7,15	course (2) 72:19,23
consider (1) 6:16	cooperation (1) 76:20	court (8) 1:1,20 4:9 18:10 35:9 74:6 74:12 79:5
considered (4) 48:2 66:23 67:3,12	copied (2) 24:10,19	cover (6) 9:20,20 10:3,3 19:10,11
consistent (1) 44:15	copies (5) 23:12,16 49:13,19,20	covered (1) 16:12
contained (3) 56:5 61:6,11	copy (13) 24:16 41:1,3 45:1 46:1 49:11 49:12,16,16 55:21 76:3,15 77:11	covers (1) 22:2
contend (2) 22:13 65:18	copyable (1) 23:12	CPAs (1) 60:21
contended (1) 35:10	correct (25) 13:8 19:9 21:9 25:6 26:4,18 34:13 35:22 36:12,24 38:16 39:4 42:4,5,11 49:5,18 53:5 55:1 58:3,6 59:4,5 62:18 72:3	create (1) 56:20
content (2) 51:16 60:12	CORRECTION (1) 80:8	created (2) 49:11 62:5
contention (2) 62:7 63:21	corrections (1) 80:7	C-1-02-479 (1) 1:3
contest (1) 65:7	correspond (1) 13:18	D
contested (1) 63:2	correspondence (35) 10:19,23 12:3,11,17 13:3,7,9 13:12,23 14:14 15:5,7,10 15:19,23 16:2,4,13 17:7,8,9 17:12,13,17,23 18:2,3,13,17 18:18,20 19:6,24 40:23	D (2) 3:1 4:1
continuance (2) 28:24 31:11	counsel (23) 4:8 5:15,23 12:7,14 13:17,19 13:20 19:14,17,20 21:12,15 22:22 45:2 53:8 69:12 72:7 73:16 76:2,17 79:12 80:3	date (9) 16:16 25:1 26:2 50:5,21 51:2 51:4,14 80:23
Continuation (1) 28:10	counselor (3) 16:5 71:4,7	dated (6) 3:10,11,13,13 45:16 55:22
continue (4) 28:15 29:8,11 75:6	Counsel's (2) 45:18 69:5	day (14) 17:21 18:1,11,16,23 31:14 41:13 44:11 54:24 75:14,18 75:22 79:5,14
continued (3) 1:16 48:24 60:18	couple (7)	days (7) 4:12 11:2 22:17,24 39:21 51:23 76:8
continues (1) 32:19		dealing (1) 77:16
continuing (6) 32:11,14,17 33:12 43:8 62:10		dealt (1) 21:19
contractor (1) 63:11		decided (2) 23:22,24
control (3) 24:2,3,4		
controversy (1) 79:8		
conversation (4)		

Robert Mills
May 3, 2007

5

decision (1) 70:9	11:8	53:3
Defendant (2) 1:10,13	determination (1) 37:3	dispute (4) 36:9 64:8,17 69:22
deficient (2) 30:5,9	determine (1) 27:15	DISTRICT (2) 1:1,1
define (1) 17:13	determined (1) 68:9	Ditmar (1) 43:18
definition (5) 14:5,7 17:9,18 67:17	difference (1) 34:4	DIVISION (1) 1:2
degree (3) 26:9 29:15 67:14	different (1) 20:4	DMS (10) 21:22 35:9 44:4 46:6 48:15 60:2 72:19,23 73:11 80:6
demanding (1) 28:23	direct (1) 19:18	DMSESUPP (1) 45:14
Dempsey (6) 9:6 16:6,8 17:7,24 18:14	directed (1) 4:10	doctor (2) 60:21 63:10
department (2) 29:16,17	direction (1) 69:5	document (16) 10:13 14:21,23 15:1,4 22:23 39:23 41:23 44:1,8,22 45:11,14 46:6 53:3 58:16
depo (1) 76:11	directly (1) 73:18	documented (3) 37:5 52:20 71:20
deponent (2) 4:4 80:3	director (5) 42:10,22 48:23 49:3,7	documents (29) 8:19 10:6,7,9,15 11:21,24 12:3,6,9,20,23 13:5,7,13,16 14:9,19 18:22 19:13,22 20:1 23:6 40:20 44:3,4 45:10 50:5 76:22
DEPONENT'S (1) 80:22	disability (17) 1:12 2:9 28:10,24 31:11 32:11,14,18,22 33:12 48:4 62:10 63:14,23 64:18 65:13 67:8	doing (2) 27:7 30:18
deposed (1) 20:24	disabled (27) 33:6 35:6,6,10,19 36:4,24 38:12 62:8,18 63:3 64:9 65:8,19 66:11,16,23 67:3 67:12,18 68:2,19 69:2,22 72:14,20,24	Dolinsky (2) 20:19 21:2
deposes (1) 4:6	disagreeing (1) 23:4	doubt (1) 67:7
deposition (27) 1:16 4:17,22 8:15,18 9:15,17 10:2 13:6 19:10 21:2,4 23:6 25:22,23 26:4,6,21 42:22 43:3 44:10 46:16 49:2 77:22 78:5,7 79:9	discomfort (3) 5:18 6:9,13	doubts (1) 67:17
depositions (1) 20:15	discovery (6) 22:8,9,12 46:6,7 76:6	draft (4) 4:11 51:7 52:1,1
describe (1) 8:17	discuss (1) 56:21	drafted (2) 47:4 56:2
designating (2) 4:17,21	discussed (1) 13:17	drafting (1) 54:2
desk (1) 49:13	discussion (1)	due (1)
detail (1)		

Robert Mills
May 3, 2007

6

6:4 duly (2) 4:5 79:7 duties (1) 71:8 dynamics (1) 28:7 D-O-L-I-N-S-K-Y (1) 20:21	23:1 equitable (6) 42:10,23 48:18,19 49:3,7 ERRATA (1) 80:1 error (1) 72:14 ESQ (2) 2:7,12 ethical (1) 71:8 evaluate (5) 29:11 33:14 39:16 65:13 75:7 evaluated (2) 39:10 60:18 evaluating (1) 33:18 evaluation (2) 33:22 49:6 events (1) 49:23 evidence (6) 15:14,16 18:5 24:14 25:3 46:9 evolved (2) 50:19 52:2 exact (4) 51:4,17,18 53:23 exactly (2) 53:9 69:17 examination (4) 3:2 5:6 77:20 79:9 examined (1) 79:9 exception (1) 80:7 excess (2) 75:20,23 exchanged (3) 13:13 16:7,10 excuse (5) 13:11 14:11 48:8 54:20	64:21 excused (1) 78:6 Exhibit (3) 44:20,21 55:19 EXHIBITS (1) 3:9 exists (1) 24:9 expectations (3) 73:5,13,21 expires (1) 79:20 explain (2) 6:8 56:21 explanation (1) 44:24 extend (1) 75:7 extent (1) 7:15 eye (1) 68:24 e-mail (16) 3:10,13 16:13 45:21 46:1,11 49:10,17 52:6 54:14,18 55:21,22 56:16,16 57:24 e-mails (2) 16:10 17:18 e-mail's (1) 55:22
<hr/> E <hr/>		<hr/> F <hr/>
E (6) 2:1,1,12 3:1 4:1,1 earlier (6) 19:4 25:21 35:14 38:16 46:15 70:2 early (1) 42:23 effort (2) 76:16 77:10 either (4) 23:4 36:18 58:23 59:16 electronic (3) 40:22 41:1,3 eleventh (1) 77:2 eligibility (5) 65:13 66:20 67:6 68:6 70:16 eligible (1) 68:10 Ellis (5) 9:6 21:18 32:15 75:16 77:21 employee (4) 60:2,3 79:12,12 ends (1) 42:3 entered (2) 4:16 5:17 entire (4) 36:11,17 39:21 71:9 entirety (3) 10:6 54:13 70:24 entitled (1)		F (1) 3:14 fact (7) 22:21 36:8 45:15 52:1,10 54:22 62:9 facts (6) 15:14,15 18:5 24:13 25:3 46:9 factual (2) 65:24 66:4

Robert Mills
May 3, 2007

7

fair (1) 76:1	4:14	80:5
false (2) 57:16 74:8	finalized (1) 51:3	forever (1) 69:3
familiar (1) 22:14	finally (1) 71:10	Forget (1) 26:6
familiarity (1) 29:15	finances (1) 37:10	form (32) 19:7 24:11,21 27:3,12 29:9 31:12 37:13 40:16 41:15 43:23 44:7 46:8 50:18 51:9 52:18 54:7 57:23 61:17,21 62:14 64:2 65:20 66:6 67:2 68:4,20 71:5,14 73:23 74:9 74:16
far (7) 7:17 12:24 13:2 48:4 61:14 61:15 65:10	financial (5) 37:11,15,16 38:18 60:21	forms (7) 28:11,13,15,20 29:2,10 32:2
fashion (1) 43:5	financially (1) 79:13	Formus (3) 2:17 9:1 32:15
faxes (1) 17:19	find (1) 64:3	founder (1) 47:15
federal (2) 1:19 23:8	finish (4) 14:12 64:22,24 70:5	founders (1) 47:20
feel (3) 7:13 69:3 71:2	finished (1) 69:11	four (10) 39:24 42:23 43:11 45:12 62:12,12,22 63:1 64:8 77:7
feet (1) 68:13	first (5) 4:5 25:11 51:21 52:11 64:16	Fourteen (1) 37:19
fifteen (1) 77:23	five (17) 9:14,16 11:22 12:18,21,24 15:6 18:23 23:2 28:22 34:17 36:1 40:14 42:24 43:11 75:10 77:12	four-year (1) 44:24
Fifth (1) 2:5	five-lawyer (5) 13:6 15:12 17:6,22 18:12	frame (6) 46:18 53:20 67:9,11,19 72:18
file (67) 10:3,4,8,11,18 16:2 18:3,17 21:21,22 22:1,12,17,23 23:2 24:8 26:15 27:11,15 27:17 28:12 37:6 39:18,21 40:3 41:10,14,20,24 42:4 49:13,14,19,20,24 50:3,5,10 50:15,17,24 51:11,23 52:13 52:17,23 53:4,11 59:15,16 60:13,17 61:7,11,14,16,20 62:3 63:15 64:1,4,12,13 67:10 71:20 72:15 76:3	five-member (1) 75:13	frames (1) 37:20
filed (8) 12:21,23 26:2 28:6 35:17 38:5 45:7,8	FL (1) 2:11	full (3) 39:7 75:18,22
files (4) 10:22 27:1,13 40:22	Florida (3) 20:6,7 21:11	fully (1) 54:5
filing (1)	focus (2) 10:9 73:21	further (2) 55:6 79:11
	focusing (1) 10:10	future (7) 65:18 66:2 68:11,18,22 69:14 69:16
	follow (1) 30:10	
	following (2) 4:19 79:6	
	follows (1) 4:6	
	foregoing (1)	
		G

Robert Mills
May 3, 2007

8

G (1) 4:1 genuine (1) 77:15 Geri (1) 16:5 getting (6) 33:9 34:18 36:8,10 53:8,8 ghost (1) 48:9 ghostwritten (1) 56:5 ghostwrote (1) 48:7 give (13) 5:14 6:3,11,14 7:2,5 23:22 29:7 30:6 31:15 33:23 49:24 52:13 given (5) 20:14 30:1 71:8 79:10 80:5 giving (4) 5:18 7:13 34:5,9 glanced (1) 19:1 glean (1) 34:13 go (10) 6:20 15:17 17:18 22:8 30:9 48:4 63:15,19 68:7 70:7 god (7) 48:3,13 56:24 57:2,16,22 58:9 going (28) 4:13,15 5:16,22 7:9 10:22 12:4,8 13:14,20 19:18 22:6 25:2 34:6 39:6 45:17 55:14 59:7 62:13 63:18 66:2 68:17,21,22 71:11 72:1,5 76:2 good (1) 72:9 gotten (5) 33:15 37:11,16 53:21 70:15	grab (1) 11:11 graduate (1) 6:22 GRAYDON (1) 2:4 greatest (6) 56:19,23 58:14,19,20,21 guess (2) 17:10 35:16 guidance (1) 33:3 guy (1) 48:5 guys (1) 39:11 <hr/> H <hr/> half (1) 78:2 Hampden (1) 79:2 hand (3) 19:4 44:21 79:14 handed (1) 55:20 handing (1) 45:3 handled (2) 66:19 68:22 handling (1) 27:18 happen (4) 52:16,19 58:12 69:16 happened (3) 36:6 53:16 55:17 happens (1) 64:1 hard (1) 23:16 Haven (1) 6:21 head (3)	2:4 47:16,22 hear (1) 72:6 heard (8) 4:13 25:11 73:4,6,7,9,10,13 hearing (1) 72:9 Hey (2) 23:11 30:6 hired (1) 60:20 hiring (1) 63:11 historical (1) 67:11 historically (1) 66:10 history (1) 36:3 Hogan (1) 1:3 hopefully (1) 41:12 hour (3) 23:22 77:2 78:2 hours (3) 75:13,20,24 Hughes (33) 3:10,11,13 46:2,11 47:4,6,9 48:2,9,11,14 49:6,10 51:8,8 51:19 52:7,11,22 53:8,8,9 53:18 54:3,12 55:23 56:5 56:14,24 57:1,12,18 Hughes's (1) 47:9 hundred (1) 77:12 <hr/> I <hr/> idea (2) 24:22 52:9 identifies (2) 14:8,22
--	--	---

Robert Mills**May 3, 2007**

9

identify (4) 13:16 14:14,21 15:1 identifying (1) 14:18 identity (1) 15:3 IME (4) 63:12 72:12,15,24 immediately (1) 53:22 include (1) 17:19 included (1) 52:17 independent (1) 63:10 indication (1) 52:13 information (61) 5:11,12,19 6:10,16 7:4,12 11:10 28:24 29:2,7,20,21 29:23,24 30:1,2,13 33:9,12 33:15,17,20,21 34:1,5,5,9 34:12,14,16,18,20,21,24 37:2,5,9,11 38:19,20 39:1,2 39:5,8,9,15,17 60:21 65:24 66:4 67:21 68:23 70:8,15 70:16,17,18,24 71:9 75:7 initially (1) 47:3 INS (1) 1:6 instruct (5) 7:1 12:5 13:15 22:7 69:4 instructed (2) 19:16,23 instructing (2) 6:3 13:22 instruction (3) 20:10 31:1,4 instructions (1) 19:20 insured (1)	75:8 insureds (1) 75:5 interest (3) 10:13,16 11:11 interested (1) 79:13 Internet (3) 60:23,24 63:9 interpretation (1) 63:19 interrogatory (1) 43:21 interrupt (1) 64:22 interrupting (1) 15:2 invasion (1) 20:2 investigate (2) 61:24 63:24 investigation (5) 60:15 63:8,9 64:10,13 investigations (2) 11:15 60:24 investigative (3) 62:2 64:1,3 investigators (1) 60:20 invited (2) 50:1 52:7 involved (35) 9:16 22:20 25:17 26:9,10,19 27:21,22 28:18 31:18,21 32:6,10,13,17 33:2 36:12 40:4,5,8,10 47:6,7 52:7 53:18,21 57:13,15,18,21 58:8 59:3 67:13 77:21 78:1 involvement (10) 31:13,16,23 34:3 36:18 38:4 42:6 48:22 52:11 62:23 items (2) 71:16,21	iterations (1) 54:17 <hr/> J <hr/> Jackie (2) 30:16 40:6 Janet (1) 60:1 January (6) 25:24 26:8,24 49:3 53:22 54:22 Jeff (1) 36:1 Jefferson-Pilot (11) 1:6 38:5 41:6,9 42:2,7,24 62:17 68:14,15 80:5 Jefferson-Pilot (1) 41:19 job (1) 77:4 John (7) 2:12 9:1 32:15 47:13,15 75:14 77:10 Johnson (5) 16:6,7 17:7,23 18:14 joined (1) 47:23 joke (5) 57:3,5 58:1,11 59:1 JP (4) 26:23 35:10 44:3 48:20 judge (3) 1:3,3 4:16 judgment (1) 32:21 June (1) 45:9 jury (1) 70:11 <hr/> K <hr/> Kearney (77) 1:9 2:3,16 3:11,14 11:16
---	---	---

Robert Mills
May 3, 2007

10

13:9,13 15:8,11,20,24 21:22 22:1 25:24 26:7 28:9 28:15 29:13,19 30:13 31:3 31:6,19 32:2 33:5,10 34:2,9 34:19 35:5,10,18 36:4,8,19 37:12 39:5 41:6,9,19 42:2 44:14 45:7,9 46:16,24 50:6 50:13,16 51:21 55:7 56:4 57:8 59:13,18 60:16 62:8 62:18,23 63:3,13 64:7,10 66:21,22 67:17 68:14 69:20 70:12 71:2,12 72:13 74:23 75:9 77:8 80:6	70:21 72:15 74:4,20,20,22 75:11 77:15 knowing (1) 77:3 knowledge (8) 7:19 16:3 25:4 35:12 61:12 79:8,10 80:6 knowledgeable (1) 48:5 known (1) 73:20 knows (1) 77:14	letter (35) 3:10,13 41:2,3 45:24 47:3 48:7,9 49:11 50:13,16,19 50:20,22 51:2,2,6,7,11,12 51:14,15,17,18,21 52:2 54:1,3,4,10,20,23 55:6 57:16 68:18 letters (18) 10:17 16:7 17:17 29:1,4,6,10 29:13 30:20,24 31:3,18,22 49:21,22 56:2,4,19 let's (4) 17:19 31:15 39:14 54:23 liability (1) 75:6 life (2) 1:6 48:19 limited (1) 39:24 LINE (1) 80:8 lines (2) 61:6,9 list (1) 71:9 listed (1) 80:7 listening (1) 67:23 litigation (9) 6:5 32:20 33:1 35:2,4 43:19 62:5,7 65:10 LLP (2) 2:4,10 long (11) 24:15 27:5 40:7,9 50:8 52:6 55:18 75:12 77:4,21,24 longer (1) 33:5 look (13) 39:11 41:10 45:13 54:10 55:9 59:14,16 66:22 67:10 67:21 68:24 69:8,19
Kearney's (16) 4:19 25:15 27:16 32:6,11,14 32:17,21 38:4 43:5,17 49:22 55:11 59:3 65:7 66:11 keep (4) 6:17,18 28:10 75:21 kept (1) 48:24 kind (2) 21:22 73:20 kindly (1) 18:8 know (104) 4:11 5:21 11:4 12:24 13:2 16:14 18:19 20:6 21:10 24:17,24 26:12,14 27:6 28:7 29:3,21 30:20,20 31:10,13,16,22 32:4,9,16,24 33:2,4,6,8,20,24 34:7,10 35:4,5,8,15 38:3,11 39:17 40:2 41:8 43:7,8 44:23 47:14 49:14 50:4,7,9,10,21 50:21,23 51:1,4,16,22 52:10 53:15,17,23 54:6,9 54:12,16,17 56:10,20 57:8 59:19,20,21 60:7 61:3,14 61:15,22,22 62:5,10 63:20 64:18 65:21 66:18,19 67:9 67:14,16,19,20 68:5,7,10	<hr/> L <hr/> L (1) 1:9 lapse (1) 44:24 laptops (1) 40:21 Laura (1) 8:3 lawsuit (25) 11:19 12:21,24 21:6 22:5 26:2 28:3,6,8 32:23 33:1,13 33:18 34:2,6,8,13,16 35:18 45:8,8 62:17 63:4,14,23 lawyer (1) 75:13 lawyers (18) 9:14,16 11:22 12:18,21 13:1 15:6 18:24 32:7,10,13,16 33:2,10 34:18 36:1 40:15 43:20 leading (1) 49:23 leave (3) 24:20 67:22 76:4 left (3) 23:22 49:12,15 legal (4) 29:16,17 63:17,18	

Robert Mills
May 3, 2007

11

looked (4) 19:1 40:2,20 50:9	79:8	meetings (6) 9:3 11:21 15:21 52:22 53:7
looking (4) 10:17,21 45:23 51:22	MBA (1) 42:17	75:12
lot (1) 23:7	McSherry (1) 36:1	meets (1) 67:17
loudly (1) 72:11	Meagher (108) 2:12 3:5 4:8,24 5:21 6:2 7:1	memory (3) 37:23 47:11 50:23
lying (1) 74:14	7:9 9:1 12:4,12,15 13:14	mentioned (2) 43:16 58:21
	14:1,7,11,15,16,17,22 15:2	met (5) 8:9,19,22 20:16 75:14
	15:13 16:22 17:2 18:4 19:7	Miami (3) 2:10,11 74:2
	19:18 20:3,7,10 21:12,15	MICHAEL (1) 2:7
M	22:6 23:3,13,20 24:1,6,11	mid (1) 47:23
Magistrate (1) 1:3	24:13,21 25:2,13 26:16	Mills (17) 1:16 3:10,13,14 4:4 5:8 18:1
Main (2) 1:20 79:6	27:3,12 29:9 37:13 38:14	18:15 28:14,21,23 31:15
maintain (1) 29:14	40:16 41:15 43:23 44:7	74:11,13 77:21 79:7 80:4
maintained (1) 26:1	45:1,5,17 46:8 50:18 51:9	mind (4) 7:11 58:14,19,20
making (1) 24:23	52:3,18 53:13 54:7 55:2	mindful (3) 51:12 55:5 59:17
manage (1) 73:13	57:23 58:16 61:17,21 62:13	minds (3) 56:19,23 58:21
MANAGEMENT (2) 1:12 2:9	62:19 63:5,16 64:2,14,21	mine (1) 55:3
managing (2) 73:4,21	64:24 65:4,20 66:1,6,12	minutes (3) 17:12 77:13,23
marked (2) 44:20 55:19	67:2 68:4,20 69:4,10,13,17	missing (3) 30:6 38:18 39:15
married (1) 7:22	69:24 70:5,19 71:5,14,22	Mm-hmm (1) 29:18
Massachusetts (5) 1:21 21:5 79:1,4,6	72:6,10 73:14,23 74:9,16	moment (1) 36:20
MassMutual (2) 8:7,10	76:5,14,18,21 77:10,18,20	Monday (1) 19:12
Master's (1) 42:19	78:3	money (4) 65:17 66:24 68:19 69:1
material (1) 77:12	mean (10) 24:22 25:20 26:14 34:1	month (7) 39:11,11 45:12,13 58:13
matter (2) 21:19 80:5	39:22 40:22 41:23 42:3	
matters (1)	52:21 75:3	
	meaning (2) 32:24 74:10	
	measure (2) 27:14,24	
	medical (7) 7:18 11:7,8,9 34:21 59:21	
	65:12	
	medically (1) 72:24	
	meet (3) 8:8,21 74:2	
	meeting (6) 12:18 15:11 17:22 18:12,23	
	73:18	

Robert Mills
May 3, 2007

12

<p>65:11,11 monthly (2) 36:10,20 months (12) 30:19 40:1,12 44:23 52:22,22 52:23 60:9 69:21,23 70:12 71:1 morning (3) 75:15,18,23 move (7) 19:8 25:13 37:14 41:16 45:17 57:10 62:14 moving (1) 76:24 mroberts@graydon.com (1) 2:7 multiple (3) 21:16 28:22 44:13 Mutual (1) 8:13</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N (3) 2:1 3:1 4:1 name (6) 5:7 8:2 20:19 46:3 49:12 51:11 named (1) 79:6 nature (4) 6:4 14:23 15:1 34:22 necessarily (12) 28:19 30:8 31:22 33:21 39:22 41:17,23 52:15,17,19 52:24 53:12 necessary (1) 37:2 need (5) 17:10 30:11 34:3 39:2,8 needs (3) 70:12 71:1,10 neither (1) 38:11</p>	<p>never (10) 24:17,22 25:10 36:6,23 58:1 66:15,23 73:10,13 new (3) 6:21 43:15,16 night (2) 77:5,14 Nobody's (1) 25:5 normal (2) 72:19,23 Notary (3) 1:17 4:5 79:4 notice (2) 30:5 79:5 notwithstanding (2) 23:1 45:11 November (1) 55:22 number (6) 6:24 7:2,6,14 58:23,23 numbered (1) 45:14</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O (1) 4:1 oath (10) 19:4,5 31:20 35:3 64:19 65:6 68:12 73:12,15 79:9 object (10) 5:22,23 7:9 13:15 22:7,19 25:2 62:13 69:4 73:23 objection (46) 14:19 15:13 16:22 18:4 19:7 24:11,21 26:16 27:3,12 29:9 37:13 38:14 40:16 41:15 43:23 44:7 46:8 50:18 51:9 52:3,18 53:13 54:7 57:23 61:17,21 62:19 63:16 64:2,14 65:20 66:6 66:12 67:2 68:4,20 69:24 70:19,22 71:5,14,22 73:14</p>	<p>74:9,16 obviously (2) 51:5 57:4 occasions (1) 61:24 occurred (6) 16:15 46:20,20 53:24 54:16 75:2 occurrence (1) 56:9 October (9) 50:20 51:6,10 54:1,5 55:6,12 56:3 59:3 office (4) 56:19 58:15,19,20 offices (2) 1:19 79:5 OH (1) 2:6 Ohio (2) 1:1 20:6 okay (23) 10:19 17:17,19 26:3 27:14,20 28:4 29:12 32:5 34:17 35:23 36:17 45:24 46:22 48:14 60:5 65:4,23 66:15 70:4,11,17 74:6 once (3) 19:21 64:4 76:19 one-time (2) 58:12,13 ongoing (3) 65:10 67:6,8 ongoings (1) 34:8 order (7) 4:10,15,16,20 5:17,20 20:13 ordered (3) 44:13,13 59:18 outcome (1) 79:13 outside (1) 16:5</p>
--	--	---

Robert Mills
May 3, 2007

13

outstanding (1) 76:13 owed (1) 76:23 owner (1) 47:16 owners (1) 47:18 <hr/> <div style="text-align: center;">P</div> <hr/> P (3) 2:1,1 4:1 package (1) 19:13 page (4) 3:2,9 45:15 80:8 pages (1) 77:12 paid (10) 36:8,10 43:8 65:17,21 66:16 68:9,14,15 75:9 paper (1) 19:3 part (4) 13:11 40:3 62:11 64:16 participate (2) 9:2,7 participated (1) 9:5 participation (1) 38:4 parties (3) 7:4 79:12,12 parts (1) 10:21 party (1) 22:16 passed (2) 23:23 56:14 pay (7) 57:19,20 58:2,5 68:8,19 70:12 paying (3)	65:15 72:14,19 payment (3) 29:8 32:2 36:9 payments (5) 36:10 55:7,11 75:5,8 PDC (2) 60:2,4 pending (9) 21:6,10 28:5 57:13,14 62:1 63:22 64:7 65:11 people (2) 5:13 26:22 perform (1) 63:8 performed (7) 11:16 61:14,20 63:13 64:10 72:13 73:1 period (15) 16:12 21:21,23 22:2 27:19,20 27:23 36:11,13 62:15 63:7 64:11 67:3,7,16 periods (4) 66:18,19 67:20 70:9 person (4) 29:12 43:15,16 79:6 pertaining (2) 12:6 34:24 pertinent (1) 34:9 perused (1) 10:4 phone (8) 74:1,4,7,11,14,19,23 75:17 phonetic (1) 30:16 photocopies (1) 24:23 phrase (2) 73:4,13 Physician (1) 28:11 place (4) 18:3,18,21 19:6	placed (1) 41:23 Plaintiff (1) 1:7 pleadings (1) 11:18 please (16) 5:7 12:16,22 14:15,16 15:9 17:4 20:20 21:24 35:7 45:20 57:17 61:8 62:21 64:24 73:2 plus (2) 75:18,22 point (9) 27:7 38:2 40:6 42:1 50:8,14 53:10 65:22 67:14 policy (7) 33:6 35:19 36:21 38:13 54:5 54:13 65:14 policyholder (3) 62:1 63:22,24 position (1) 47:10 possible (2) 53:15 64:12 practice (1) 6:14 Precisely (1) 53:5 predict (1) 68:21 preparation (6) 8:18 9:7,18 10:2 13:6 77:22 prepare (2) 8:14 76:14 preparing (1) 9:15 prepping (1) 76:10 president (2) 47:12 73:11 presumably (1) 55:21
---	---	---

Robert Mills
May 3, 2007

14

<p>presume (1) 49:16</p> <p>pretty (1) 72:11</p> <p>previous (2) 26:4 49:21</p> <p>printed (4) 49:12,16,16 54:24</p> <p>prior (4) 42:21 50:5 52:6 55:12</p> <p>private (8) 5:12,19 6:10,16,17,19 7:4,12</p> <p>privilege (2) 20:2,5</p> <p>probably (5) 28:2 40:11 49:21 77:11,12</p> <p>Procedure (1) 1:19</p> <p>procedures (2) 4:20 77:1</p> <p>proceedings (2) 35:2 65:10</p> <p>processes (1) 32:1</p> <p>produce (4) 22:10 23:8 25:5,9</p> <p>produced (11) 21:20 22:5,18,19,21 24:10 25:1 41:12 45:10,11 46:7</p> <p>product (4) 12:7 14:8,19 15:4</p> <p>production (3) 52:23 53:11 76:9</p> <p>Professional (1) 1:18</p> <p>progress (1) 31:11</p> <p>promoted (1) 48:23</p> <p>promotions (1) 42:14</p> <p>pronounce (1) 30:17</p>	<p>proper (1) 77:1</p> <p>proposed (2) 4:14,20</p> <p>provide (2) 28:23 33:21</p> <p>provided (7) 29:19,24 34:20 37:1,4,7 44:23</p> <p>provides (2) 23:9 30:2</p> <p>providing (2) 5:10 34:15</p> <p>Public (3) 1:17 4:5 79:4</p> <p>pulled (1) 48:20</p> <p>purported (2) 5:17 56:6</p> <p>purports (1) 56:13</p> <p>purposes (2) 33:18 34:2</p> <p>pursuant (3) 1:18 5:16 79:5</p> <p>put (4) 55:11 60:13 62:2 63:24</p> <p>putting (3) 23:6 36:19 64:4</p> <p>p.m (5) 1:22 4:2 59:8,11 78:5</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question (49) 7:8,10 12:5,16,22 13:21 14:18 15:9 17:4,14,15,24 18:7,10,14 21:24 23:14,15 24:6 26:13,19 27:8,8 28:21 33:16 34:10 35:7 40:9,24 45:6,19,20 50:2 57:17 58:2 61:8,18 62:9,21 64:16 65:2 65:3 66:10 70:23 71:3,6 72:22 73:2,3</p>	<p>questions (12) 7:16 17:11 19:19 25:10 65:11 66:7,20 67:5 68:5 69:7 75:5 77:18</p> <p>question's (1) 39:24</p> <p>quite (1) 39:19</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R (6) 1:17,24 2:1 4:1 79:4,17</p> <p>raise (1) 19:4</p> <p>raised (1) 67:5</p> <p>read (14) 9:20 10:7,15 19:10,12 25:21 43:3 44:10 50:8,10,22 56:16 71:24 80:5</p> <p>reading (2) 10:5,12</p> <p>ready (2) 5:3 77:5</p> <p>really (2) 40:3 67:13</p> <p>reason (3) 7:7 24:24 45:11</p> <p>recall (48) 9:13,22 10:10,17,21,24 11:3 13:4 16:14,16,18,20 17:3,5 17:24 18:15,19 19:5 27:2,9 29:21 31:5 34:23 41:10,21 43:1,2,13,22,24 44:11 46:18,23 51:22 53:19 54:9 55:13,14,17 56:7 58:10 59:14 60:6,11 71:17 73:8 73:17,24</p> <p>received (9) 36:19 37:15 38:17 42:14 64:4 67:24 69:1,20 76:22</p> <p>receiving (1) 38:8</p>
---	---	--

Robert Mills
May 3, 2007

15

recess (1) 59:9 recollection (3) 11:4 35:1 52:12 record (11) 4:9 5:2,24 46:21 57:11 59:7 59:11,22 60:7 76:12 79:10 records (4) 11:7,8 60:22 63:11 reduced (1) 79:9 refer (4) 48:11,13 57:3 58:18 reference (3) 57:8 58:11 59:1 referencing (2) 49:15,20 referred (5) 57:15,21,24 58:9,14 referring (2) 23:19 51:10 reflect (1) 52:24 refresh (1) 50:22 refused (1) 25:8 regard (2) 64:7,9 regarding (3) 28:24 50:5 63:23 Registered (1) 1:17 relate (1) 15:7 relating (1) 63:14 relative (2) 79:11,12 relevant (1) 20:8 rely (1) 72:1	remained (3) 57:14,20 58:5 remember (15) 26:5 27:6 29:1 37:20 39:7,23 43:2 44:1,17 51:14 53:23 60:12 61:4 72:18 75:1 remiss (1) 76:24 repay (2) 68:3 71:12 repeat (15) 12:16,22 15:9 17:4 18:7 21:24 31:2 35:7 40:24 45:20 57:17 61:8 62:21 71:6 73:2 rephrase (1) 34:11 report (10) 30:22 31:11 49:1 60:11,12,13 62:2 64:1,3,4 reported (2) 47:13 48:24 Reporter (2) 1:18 18:10 REPORTING (2) 1:20 79:6 representation (2) 76:15 77:13 request (7) 30:10 45:10,12 50:1 68:8 76:7,13 requested (5) 22:17,22 29:3,4,5 requesting (2) 29:1 34:1 requests (8) 22:8,12,15,24 43:22 44:3 76:6,8 require (1) 22:15 required (1) 28:9 requiring (1)	28:14 research (1) 60:23 reservation (8) 55:8,12,15 65:16,22 75:3,4,9 residence (7) 5:9,14 6:4,11,15,18 7:14 residually (1) 69:2 resolved (3) 21:8 43:5,7 respond (4) 69:5 76:7,21 77:5 responding (2) 22:16 76:5 response (1) 4:13 responses (4) 43:21,21 44:2 46:6 responsibility (7) 25:24 26:1 27:24 36:18 43:1 43:11,16 responsible (19) 25:15,19,20 26:7,9,11,15,19 27:1,9,10,13,15,16,18,23 28:1,4 48:14 rest (1) 68:17 resulted (1) 51:7 retained (1) 42:24 returned (1) 80:3 reveal (1) 53:11 revealing (1) 14:4 review (29) 9:17 11:7,18,21 12:17,20,23 15:6,19 17:5 18:1,15 19:14 19:16,23,24 30:3,3,4 38:21 38:22 40:13,18 44:2 59:22
--	--	---

Robert Mills
May 3, 2007

16

60:8,21,22 63:11 reviewed (21) 8:19 10:3 12:10 13:5,17,19 13:24 15:10 16:21 17:23 18:13 39:20 41:2 44:8 50:4 50:14,17,23 54:4,12,15 reviewing (1) 11:15 right (55) 13:7 21:16 25:9 28:17 30:7 33:16 34:19 35:6,11 36:21 37:7,19,23 38:6,9,13,24 39:2,3,6 42:1,17 43:4 46:12 46:17 47:1,4,17,24 48:4 50:1 51:12,19 52:2,17,24 53:5,12 54:24 56:12 58:9 58:15 59:4 62:12,23 63:4 65:24 67:7 68:3,24 70:13 71:3 72:17 74:3 75:16 rights (8) 55:8,12,15 65:16,22 75:3,4 75:10 RITCHEY (1) 2:4 Robert (10) 1:16 3:10,13,14 4:4 5:8 28:14,23 79:7 80:4 Roberts (65) 2:7 3:4 4:21 5:1,6,23 6:8 7:3 7:11 12:8,14 13:18,22 14:3 14:10,13,15,16,20,24 15:5 15:15,17 16:24 18:8 19:21 20:4,9,12,14 22:11 23:10 23:18,24 24:3,8,15 25:14 44:21 45:3,7 46:10 50:19 55:20 57:10,12 58:18 59:6 59:12 62:15 65:2,5 66:3 69:8,11,15,18 70:7 72:4,9 72:12 76:2,12,19 77:9 Roy (4) 1:17,24 79:4,17 rule (3) 1:18 22:23 23:9	rules (4) 1:19 22:9,14 77:1 <hr/> S <hr/> S (2) 2:1 4:1 saw (3) 19:3,4 60:11 saying (9) 14:1 22:22 23:3,5 30:6 44:15 61:4 68:18 72:10 says (6) 54:22 55:2 56:17,18 71:4 74:13 scope (1) 39:7 second (2) 23:15 58:19 Security (4) 6:24 7:2,5,14 see (7) 18:22 44:11 45:16,21 49:22 55:23 76:6 seeing (2) 43:3 44:11 seek (1) 33:2 seeking (1) 30:13 seen (2) 39:19 60:10 self-serving (1) 57:11 send (8) 28:15 30:4,5,11,24 31:3,12 34:14 sending (7) 28:10,12 29:12 31:18,22 33:17 34:12 sends (1) 32:2 sent (9) 4:11 19:13 28:19 29:10	30:20 46:11 49:12 50:13,16 September (6) 44:18 45:16,23 46:12 49:4 54:14 sequence (1) 49:22 served (1) 21:15 service (2) 6:6,7 SERVICES (2) 1:12 2:9 seven (14) 25:15,18 36:2,17 38:23 40:14 57:13,14,19,20 58:3,5 68:15,16 seven-plus (1) 36:11 seven-year (5) 36:3,12,15,16 38:3 share (1) 33:13 shared (2) 5:13 7:4 sharing (2) 6:9 7:11 Sharon (5) 1:17,24 18:9 79:4,17 SHEET (1) 80:1 show (1) 28:12 showed (1) 44:16 shown (1) 12:6 shows (1) 15:3 SHUTTS (1) 2:10 sign (2) 43:20 47:4 signature (4)
---	---	--

Robert Mills**May 3, 2007**

17

32:3 56:6,14 80:22 signed (6) 44:9 51:7,18 54:3,4 80:3 significant (2) 11:5,12 signing (3) 43:24 44:5 80:23 simply (3) 14:13 45:15 54:23 single (2) 4:23 39:23 sir (20) 5:3,7 6:20 7:11,18 8:14 16:20 20:14 24:8 42:17 44:21 45:4 55:20 59:12 62:9 64:22 65:23 69:18 76:20 77:17 sit (4) 55:16 59:17 66:9 69:21 sits (1) 66:21 sitting (8) 9:23 27:10 51:1,13 67:15 68:12,13 77:3 situation (1) 53:16 six (1) 73:1 Social (4) 6:24 7:2,5,14 somebody (2) 15:23 30:3 someone's (1) 72:24 sounded (1) 45:5 Sounds (1) 76:1 South (1) 2:11 SOUTHERN (1) 1:1 speaking (1)	40:14 speaks (1) 58:17 specific (12) 10:6 14:9,18,21 16:14 31:14 43:14 48:15 53:2,19 58:10 67:19 specifically (9) 19:17 29:3 33:8 54:9 56:7 70:21 73:8,17 74:4 speculating (2) 65:23 66:3 speech (1) 62:14 spell (1) 20:20 spend (2) 10:12 11:14 spending (1) 11:5 spent (2) 10:5 11:11 Spiegel (4) 74:2,12,12,17 spoke (5) 41:5 74:13,21,22 75:17 spoken (3) 4:23 31:6 74:17 Springfield (5) 1:21 21:5 24:20 76:4 79:6 staff (1) 63:10 stands (1) 20:11 start (1) 31:15 started (3) 30:18 48:23 54:2 starts (1) 65:1 state (2) 20:5 21:11 stated (3)	38:16 50:23 54:10 statement (3) 43:20 44:5 57:11 Statements (1) 28:11 states (2) 1:1 4:6 stating (1) 50:14 status (7) 43:8 55:15 57:19,20 58:3,5 75:11 stick (1) 70:22 stipulate (1) 6:5 stop (2) 10:12,15 strategy (2) 52:21 53:7 Street (3) 1:20 2:5 79:6 strictly (1) 48:18 strike (9) 19:8 25:13 37:14 41:16 45:18 57:10 62:14 65:2 73:3 stuff (2) 37:21 63:19 subject (2) 5:19 32:22 submit (1) 4:10 subordinate (1) 59:2 subpoenas (1) 6:6 substantive (1) 52:11 sue (3) 65:16 68:2 71:11 sued (2)
--	---	--

Robert Mills
May 3, 2007

18

33:5 56:3 suffer (1) 7:18 suggested (1) 55:6 suggests (1) 54:1 superior (1) 59:4 supervisor (1) 43:15 supplemented (2) 22:16,24 support (1) 70:16 suppose (1) 22:18 surprise (1) 25:12 surveillance (15) 11:14,15 44:12,13,15 46:15 46:19,20,24 59:13,17,19 60:22,23 63:12 suspect (1) 53:22 switch (1) 59:6 sworn (4) 4:5 43:20 67:23 79:7	59:6 team (13) 11:22 12:18,21,24 13:6 15:6 15:12 17:6,22 18:12 35:24 40:14 75:13 telephonically (2) 9:2,5 tell (10) 13:23 31:9 34:7 37:7 65:5 66:22,22 67:15 68:12 69:1 telling (5) 46:17,24 65:24 66:4,9 ten (4) 4:11 75:20,23 77:23 testified (2) 9:24 25:22 testifies (1) 74:6 testify (1) 79:7 testimony (11) 19:3 31:19,21 35:3 46:23 66:17 67:23 71:24 73:12 79:10 80:5 testimony's (1) 73:15 Thank (5) 12:14 20:12 76:17,19 77:17 Thanks (1) 49:14 thing (2) 58:12,13 things (3) 24:4 52:16,19 think (19) 13:2 20:7 22:5 24:15 25:21 25:22 34:4,14 35:12 36:4 37:16 38:1 40:20 42:9,21 55:2 64:17 72:20,21 third (2) 2:5 7:4 Third-Party (1) 1:13	thoroughly (1) 39:18 thought (3) 24:17 36:16 39:20 thoughts (2) 53:3 56:22 three (5) 20:15 25:23 26:21,22 30:18 thumbed (1) 11:9 time (52) 10:5,12 11:5,12,15 16:12,14 23:15,21,23,23 25:11 27:5 27:7,19,20,23 28:2,3 37:20 37:24 39:19 41:5 42:6 43:10,14 46:18 50:8 51:5 53:19,24 54:14 55:18 56:3 57:15,18,21 58:3,8,10 62:16 66:18 67:4,9,11,16 67:19,20 70:10 72:18 75:21 75:23 timeline (1) 52:9 timeliness (1) 36:20 times (5) 23:14,18 24:7 28:23 66:13 timing (1) 36:9 today (19) 8:23 9:8,18,23 11:3 27:10 37:21 39:23 51:1,13 53:19 55:16 66:9,21 67:11,15,22 69:20,22 today's (4) 8:15,18 9:15 10:2 Todd (1) 43:18 told (18) 25:5,8 26:21,24 27:9 29:17 35:14,24 36:2 42:9,21 44:12 49:2 62:6 64:19 70:23 72:1 77:22
T		
take (5) 24:16 37:24 39:14 44:18 45:13 taken (3) 1:16 21:4 59:9 talk (1) 31:10 talked (4) 56:10 70:2 71:13,16 talking (2) 28:2 29:4 tapes (1)		

Robert Mills
May 3, 2007

19

tomorrow (1) 24:20	61:19	59:7,10 78:4
tomorrow's (1) 76:11	<hr/> U <hr/>	videos (1) 40:18
tools (1) 60:24	ultimately (2) 51:3 52:2	<hr/> W <hr/>
totally (3) 63:3 68:2 69:2	unable (1) 38:22	waited (1) 77:4
touching (1) 79:8	undersigned (1) 80:4	waiting (1) 77:2
track (1) 75:21	understand (8) 17:14,15 26:18 32:19 47:19 54:2 62:16 65:12	Walnut (1) 2:5
trade (1) 61:1	understanding (15) 32:1 35:16 37:9 48:1 50:11 50:12 54:15 58:7 60:3 62:4 62:6,8 63:2 65:9 67:24	want (11) 5:1 6:16 7:3,5 23:16 39:5 44:18 47:11 49:14 56:21 57:7
transcript (2) 80:5,6	understood (1) 17:16	wanted (1) 50:2
treat (1) 5:16	UNITED (1) 1:1	wasn't (5) 28:21 40:9 45:11 58:13 68:9
trial (1) 34:18	University (1) 6:21	way (4) 33:7 35:15 39:11 73:16
trouble (1) 23:8	updates (2) 34:6,15	weeks (1) 4:12
troubling (1) 22:4	use (2) 61:1 73:13	welcome (1) 12:15
true (9) 6:2 26:6 43:22 54:6 57:16,22 58:2 79:9 80:6	usually (1) 76:8	went (4) 6:21 10:11 59:4 74:2
truth (4) 44:6 46:5 79:7,7	<hr/> V <hr/>	weren't (1) 68:19
truthful (1) 9:23	v (4) 1:8,11 80:6,6	WESTERN (1) 1:2
truthfully (1) 25:22	various (3) 10:7,21 11:9	we'll (3) 6:6,7 59:6
trying (2) 45:6 65:13	verb (1) 27:22	we're (6) 4:13 28:2 59:10 65:12 68:17 77:17
two (11) 4:12 8:1,8 30:18 39:21 44:23 56:19,23 58:21,24 68:13	verified (1) 46:5	we've (6) 37:15,16 66:19,23 71:20 75:4
two-day (5) 15:11 17:5,22 18:11 75:12	version (1) 56:20	whatsoever (1) 57:9
type (4) 61:13 63:7,8,12	vice (1) 47:12	wife's (1) 8:2
types (1)	VIDEOGRAPHER (3)	William (3)

Robert Mills**May 3, 2007**

20

3:10,11,13 willing (2) 64:6,9 wish (1) 6:5 wit (1) 79:6 witness (15) 4:23 5:4 6:1 22:9 23:6,11 24:2,4,5 64:23 70:6 76:10 78:6 79:10,14 word (3) 4:23 17:13 77:9 work (7) 8:4,6 12:7 14:8,19 15:4 77:5 working (2) 8:9,12 works (2) 28:8 32:4 wouldn't (4) 52:9,23 53:11,21 write (2) 51:8 68:17 writing (4) 29:1,6 30:12 79:9 written (2) 17:17 28:22 wrote (1) 48:9	28:22 31:17,19,24 34:17 36:17 37:19 38:9,23,24 40:8 41:7 43:13 45:12 57:14,14,19,20 58:3,6 62:12,12,22 63:1 64:8 66:17 68:15,16 71:10 72:16 73:1 75:10 77:7 yesterday (12) 8:22 9:8 16:20,21 17:21 18:1 18:11,16,22 75:14,16,22	18 (1) 54:22 19 (3) 44:18 45:16,23 19th (1) 46:12 1900 (1) 2:5 1991 (1) 6:23
	0	2
0068 (3) 45:14,22 46:1 0070 (1) 48:12 0071 (2) 45:15,15 03 (1) 65:17 04 (1) 65:17 05 (1) 65:17 06 (1) 65:18		2 (9) 3:13 50:20 51:6,10 54:1,5 55:6,12,19 2:11 (1) 59:8 2:18 (1) 59:11 2:37 (1) 78:5 2000 (25) 26:1,8,24 27:6 28:2 44:14,19 44:22 45:16,23 46:12 47:10 49:4 50:20 51:6,11 53:22 54:1,5,22 55:6,12,23 56:3 59:3 2001 (7) 42:9,15,23 49:4 72:17 74:13 74:23 2002 (23) 21:21 22:2 24:9 26:8 28:11 30:13 32:6,22 41:9 45:9 56:4 59:13,18,20,22 60:16 60:19 61:2,3,7,10 65:17 76:4 2003 (4) 28:16 45:9 76:13,23 2004 (2) 9:18 28:16 2005 (2) 28:16 68:18 2006 (1)
	1	
1 (6) 3:10 25:24 26:8 44:20,22 55:23 1/18/07 (2) 3:11,14 1:10 (2) 1:22 4:2 11/1/00 (1) 3:13 14 (5) 17:11 38:8,23 66:17 71:10 1500 (3) 1:20 2:10 79:6 168 (4) 69:21,22 70:12 71:1		
X		
X (1) 3:1		
Y		
Yeah (1) 51:15 year (14) 16:18 17:6 18:3,18,20 19:5 21:3 27:6 31:15,15,16 36:11 39:14,15 years (39) 20:15 23:2 25:16,18,23 26:21		

Robert Mills**May 3, 2007**

21

28:16	3:14	
2007 (13)		
1:21 21:21 22:2 24:9 28:16	6	
39:14,15 55:2,4,5 76:4 79:5	60 (1)	
79:14	27:1	
201 (1)		
2:11	7	
2011 (1)	77 (1)	
79:21	3:5	
22nd (1)		
79:14	9	
28 (1)	9/19/00 (1)	
79:21	3:10	
	90s (2)	
3	39:6 47:23	
3 (1)	93 (1)	
1:21	38:5	
3rd (1)	94 (1)	
79:5	70:18	
30 (4)		
1:18 22:16,24 76:8		
305-358-6300 (1)		
2:12		
33131 (1)		
2:11		
4		
40 (1)		
27:1		
44 (1)		
3:11		
45202-3157 (1)		
2:6		
5		
5 (1)		
3:4		
5.3.07/sr (1)		
80:24		
511 (1)		
2:5		
513-621-6464 (1)		
2:6		
55 (1)		

